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ABSTRACT

A Senate committee hearing received testimony on the creation of an American Indian Education Foundation. The foundation will be a charitable, nonprofit corporation authorized to accept and administer private gifts in support of the Bureau of Indian Affairs' (BIA) Office of Education and to conduct activities that further educational opportunities for American Indians and Alaska Natives in BIA schools. The foundation is modeled on the federally-chartered National Park Foundation and National Fish and Wildlife Foundation, and would provide a formal mechanism to channel private contributions to BIA schools. U.S. Congressmen and representatives of the BIA, tribal colleges, and various Indian education associations offered testimony and written statements concerning the deplorable condition of many Native American schools, the huge backlog of unfunded school construction needs in Indian country, the lack of funding for new technologies in schools and related teacher training, the involvement of tribal colleges in K-12 systemic change, and the structure of the proposed foundation. The appendix includes "Tribal Colleges: An Introduction," prepared by the American Indian Higher Education Consortium; specific recommendations about the purposes, structure, and operation of the foundation; and a detailed report on unfunded construction backlog items, by category and individual BIA school. The text of S. 1290 is included. (SV)

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S. HRG. 106–124

AMERICAN INDIAN EDUCATION FOUNDATION

ED 451 011

HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

ON

S. 1290

TO AMEND TITLE 36 OF THE UNITED STATES CODE TO ESTABLISH THE AMERICAN INDIAN EDUCATION FOUNDATION

JULY 1, 1999
WASHINGTON, DC

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
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AMERICAN INDIAN EDUCATION FOUNDATION

THURSDAY, JULY 1, 1999

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 9:31 a.m. in room 485, Russell Senate Building, Hon. Daniel K. Inouye (vice chairman of the committee) presiding.

Present: Senators Inouye and Conrad.

STATEMENT OF HON. DANIEL K. INOUYE, U.S. SENATOR FROM HAWAII, VICE CHAIRMAN, COMMITTEE ON INDIAN AFFAIRS

Good morning. The committee meets this morning to consider S. 1290, a bill to establish an American Indian Education Foundation. Senators Domenici, Dorgan, Conrad, Bingaman, Johnson, Daschle, Baucus, Wellstone, and Akaka have joined me as cosponsors of this measure, based on our shared belief that this foundation will help American Indian and Alaska Native students immeasurably in the years to come.

The foundation will be a charitable, nonprofit corporation that will be authorized to, first, encourage, accept, and administer private gifts in support of the Bureau of Indian Affairs' Office of Indian Education; second, to conduct activities that will further educational opportunities for American Indians and Alaska Natives attending BIA schools; and, third, assist Federal, State, tribal and individual entities that will further the educational opportunities of American Indians and Alaska Natives attending BIA schools.

Similar foundations, such as the National Park Foundation and the National Fish and Wildlife Foundation, have been extremely effective in raising funds to support the activities to which they are dedicated. This foundation is modeled after those foundations.

Indian children are the most important resource in Native America. While the Bureau's elementary and secondary education facilities and curricula have improved over the past few years, there is still much that can be done to make the learning environment a better place for Indian students.

We want to motivate tribal students to look forward to school every day. We want them to be eager about learning, but realizing these objectives is difficult when students are forced to learn in dilapidated buildings with outdated books and broken-down or no computer equipment.

The foundation will be a start in helping to address these problems. There are many Americans who have asked how they can contribute to the education of Indian students, but currently there is no formal mechanism that would enable private resources to be dedicated for the support of Bureau schools.

This foundation will serve as a means for channeling private resources to provide much-needed support.

Although we feel that S. 1290 will provide greatly-needed opportunities for American Indian and Alaska Native students, we want input from those of you who are knowledgeable and experienced in Indian education. Your recommendations and comments will guarantee that students will benefit in the best possible way from the foundation.

II

106TH CONGRESS
1ST SESSION

S. 1290

To amend title 36 of the United States Code to establish the American Indian Education Foundation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 28, 1999

Mr. INOUYE (for himself, Mr. DOMENICI, Mr. DORGAN, Mr. CONRAD, Mr. BINGAMAN, Mr. JOHNSON, Mr. DASCHLE, and Mr. AKAKA) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

---

A BILL

To amend title 36 of the United States Code to establish the American Indian Education Foundation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Indian Education Foundation Act of 1999".

SEC. 2. AMERICAN INDIAN EDUCATION FOUNDATION.

(a) IN GENERAL.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 215 the following:

"CHAPTER 216. AMERICAN INDIAN EDUCATION FOUNDATION

"Sec.

"21601. Organization.
"21602. Purposes.
"21603. Governing body.
"21604. Powers.
"21605. Principal office.
"21606. Service of process.
"21607. Liability of officers and agents.
"21608. Restrictions.
"21609. Transfer of donated funds.

"§ 21601. Organization

"(a) Federal Charter.—The American Indian Education Foundation (referred to in this chapter as the 'foundation') is a federally chartered corporation.

"(b) Perpetual Existence.—Except as otherwise provided, the foundation has perpetual existence.

"(c) Nature of Corporation.—The foundation is a charitable and nonprofit corporation and is not an agency or instrumentality of the United States.

"(d) Place of Incorporation and Domicile.—The foundation is declared to be incorporated and domiciled in the District of Columbia.

"(e) Definitions.—In this chapter:

"(1) American indian.—The term 'American Indian' has the meaning given the term 'Indian' in section 4(d) of the Indian Self-Determination and Assistance Act (25 U.S.C. 450b(d)).

"(2) Bureau funded school.—The term 'Bureau funded school' has the meaning given that term in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026).

"§ 21602. Purposes

"The purposes of the foundation are—

"(1) to encourage, accept, and administer private gifts of real and personal property or any income therefrom or other interest therein for the benefit of, or in support of, the mission of the Office of Indian Education Programs of the Bureau of Indian Affairs (or its successor office);

"(2) to undertake and conduct such other activities as will further the educational opportunities of American Indians who attend a Bureau funded school; and

"(3) to participate with, and otherwise assist, Federal, State, and tribal governments, agencies, entities, and individuals in undertaking and conducting activities that will further the educational opportunities of American Indians attending Bureau funded schools.

"§ 21603. Governing body

"(a) BOARD OF DIRECTORS.—

"(1) IN GENERAL.—The board of directors (referred to in this chapter as the 'board') is the governing body of the foundation. The board may exercise, or provide for the exercise of, the powers of the foundation.

"(2) COMPOSITION OF BOARD.—Subject to section 3 of the American Indian Education Foundation Act of 1999—

"(A) the number of members of the board, the manner of selection of those members, the filling of vacancies for the board, and terms of office of the members of the board shall be as provided in the constitution and bylaws of the foundation; except that

"(B) the board shall have at least 11 members, 2 of whom shall be the Secretary of the Interior and the Assistant Secretary of the Interior for Indian Affairs, who shall serve as ex officio nonvoting members.

"(3) CITIZENSHIP OF MEMBERS.—The members of the board shall be United States citizens who are knowledgeable or experienced in American Indian education and shall, to the extent practicable, represent diverse points of view relating to the education of American Indians.

"(b) OFFICERS.—

"(1) IN GENERAL.—The officers of the foundation shall be a secretary elected from among the members of the board and any other officers provided for in the constitution and bylaws of the foundation.

"(2) QUALIFICATIONS AND DUTIES OF SECRETARY.—The secretary shall—

"(A) serve, at the direction of the board, as its chief operating officer; and

"(B) be knowledgeable and experienced in matters relating to education in general and education of American Indians in particular.

"(3) ELECTION, TERMS, AND DUTIES OF MEMBERS.—The manner of election, term of office, and duties of the officers shall be as provided in the constitution and bylaws of the foundation.

"(c) COMPENSATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no compensation shall be paid to a member of the board by reason of service as a member.

"(2) TRAVEL EXPENSES.—A member of the board shall be reimbursed for actual and necessary travel and subsistence expenses incurred by that member in the performance of the duties of the foundation.

"§ 21604. Powers

"The foundation—

"(1) shall adopt a constitution and bylaws for the management of its property and the regulation of its affairs, which may be amended;

"(2) shall adopt and alter a corporate seal;

"(3) may make contracts, subject to the limitations of this chapter;

"(4) may acquire (through a gift or otherwise), own, lease, encumber, and transfer real or personal property as necessary or convenient to carry out the purposes of the foundation;

"(5) may sue and be sued; and

"(6) may carry out any other act necessary and proper to carry out the purposes of the foundation.

"§ 21605. Principal office

"The principal office of the foundation shall be in the District of Columbia. The activities of the foundation may be conducted, and offices may be maintained, throughout the United States in accordance with the constitution and bylaws of the foundation.

"§ 21606. Service of process

"The foundation shall comply with the law on service of process of each State in which it is incorporated and of each State in which the foundation carries on activities.

"§ 21607. Liability of officers and agents

"The foundation shall be liable for the acts of its officers and agents acting within the scope of their authority. Members of the board shall be personally liable only for gross negligence in the performance of their duties.

"§ 21608. Restrictions

"(a) LIMITATION ON SPENDING.—Beginning with the fiscal year following the first full fiscal year during which the foundation is in operation, the administrative costs of the foundation may not exceed 10 percent of the sum of—

"(1) the amounts transferred to the foundation under section 21609 during the preceding fiscal year; and

"(2) donations received from private sources during the preceding fiscal year.

"(b) APPOINTMENT AND HIRING.—The appointment of officers and employees of the foundation shall be subject to the availability of funds.

"(c) STATUS.—The members of the board, and the officers, employees, and agents of the foundation shall not, by reason of their association with the foundation, be considered to be officers, employees, or agents of the United States.

"§ 21609. Transfer of donated funds

"The Secretary of the Interior may transfer to the foundation funds held by the Department of the Interior under the Act of February 14, 1931 (46 Stat. 1106, chapter 171; 25 U.S.C. 451), if the transfer or use of such funds is not prohibited by any term under which the funds were donated.".

(b) CLERICAL AMENDMENT.—The table of chapters for part B of subtitle II of title 36, United States Code, is amended by inserting after the item relating to chapter 215 the following:

"216. American Indian Education Foundation ....21601".

SEC. 3. INITIAL PERIOD AFTER ESTABLISHMENT.

(a) BOARD OF DIRECTORS.—

(1) INITIAL BOARD.—Not later than 6 months after the date of enactment of this Act, the Secretary of the Interior shall appoint the initial voting members of the board of directors under section 21603 of title 36, United States Code (referred to in this section as the "board"). The initial members of the board shall have staggered terms (as determined by the Secretary of the Interior).

(2) SUCCESSIVE BOARDS.—The composition of all successive boards after the initial board shall be in conformity with the constitution and bylaws of the American Indian Education Foundation orga-

nized under chapter 216 of title 36, United States Code (referred to in this section as the "foundation").

(b) ADMINISTRATIVE SERVICES AND SUPPORT.—

(1) PROVISION OF SUPPORT BY SECRETARY.—Subject to paragraph (2), during the 5-year period beginning on the date of enactment of this Act, the Secretary of the Interior—

(A) may provide personnel, facilities, and other administrative support services to the foundation;

(B) may provide funds to reimburse the travel expenses of the members of the board under section 21603(c)(2) of title 36, United States Code; and

(C) shall require and accept reimbursements from the foundation for any—

(i) services provided under subparagraph (A); and

(ii) funds provided under subparagraph (B).

(2) REIMBURSEMENT.—Reimbursements accepted under paragraph (1)(C) shall be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing

services described in paragraph (1)(A) and the travel expenses described in paragraph (1)(B).

(3) CONTINUATION OF CERTAIN SERVICES.—Notwithstanding any other provision of this section, the Secretary of the Interior may continue to provide facilities and necessary support services to the foundation after the termination of the 5-year period specified in paragraph (1), on a space available, reimbursable cost basis.

○

Senator INOUYE. I would like to welcome our witnesses this morning, and we look forward to receiving your testimony.

Mr. Conrad, would you like to make a statement?

STATEMENT OF HON. KENT CONRAD, U.S. SENATOR FROM NORTH DAKOTA

Senator CONRAD. Very briefly, Mr. Chairman.

First of all, I want to thank you for holding this hearing and I especially want to thank you for this legislation, because you are a prime mover of it, and I think for very good reasons.

I've got a statement, Mr. Chairman, I would ask to be made part of the record. I'd appreciate that.

Senator INOUYE. Without objection, it will be made part of the record.

Senator CONRAD. Without going through the statement, I'd just like to remind my colleagues of what I have said previously from this dias—that Indian education is desperately in need of greater financial assistance. We know now that the backlog of school construction, alone, is approaching a billion dollars nationwide. I can see it in my own State. Going from Indian school to Indian school, I have seen the most deplorable conditions. I've seen schools, Mr. Chairman, that were designed in the days when the concept was open schools, schools without walls, where you can't hear yourself think. There's no way education can be going on in that structure.

I've been in schools where, in the dead of North Dakota winter, it is 50 degrees in one part of the school and 75 degrees in another part of the school because the heating systems are inadequate.

I've been in schools where the roofs are caving in.

I've been in schools that you wouldn't use as a warehouse, much less a place for education.

And so there is an absolute need for us to make progress on this critical issue, and basically it means more resources. You've got to have money to build decent schools. And, frankly, it sends a signal to these students when you send them to a place that is just unfit. It says to them they are not important.

I think it is, unfortunately, one reason we have a wave of suicide in my State on Indian reservations, because there is a hopelessness to the whole life, an absolute hopelessness, and we've got to do something about it.

This is primarily a Federal responsibility. We can't duck. We can't look around, point a finger at somebody else. This is our obligation.

Well, we know that this is not all going to get solved with public funds. We know that there are people around the country who would contribute generously if there was an avenue to do so, and this is one way of providing that avenue.

So, again, Mr. Chairman, I want to thank you for your leadership, because it is making a difference.

[Prepared statement of Senator Conrad appears in appendix.]

Senator INOUYE. I thank you very much.

Our first panel is an extraordinary one. It is made up of two of the greatest friends that Indian country has had in a long while. Both men are members of the U.S. House of Representatives. They have been tried and tested on many, many occasions, and I'd like to call upon, as our first witness, The Honorable Dale E. Kildee of the United States House.

Congressman.

STATEMENT OF HON. DALE E. KILDEE, U.S. REPRESENTATIVE FROM MICHIGAN

Mr. KILDEE. Thank you, Senator. Your reputation in serving the Native Americans of this country is so outstanding that I can clearly say that I am a better person because of your tutelage and your dedication in this field, and I thank you for it.

As a cochairman of the House Congressional Native American Caucus, I want to thank you for this hearing this morning on S. 1290, a bill creating an American Indian Education Foundation.

I am pleased to announce that after the July 4 break I will introduce the House version of this bill. My staff are working very closely with the republicans on the Education and Labor Committee, and we have really a good bipartisan bill with good, strong bipartisan support. Indian matters have always been a good bipartisan issue here in both Houses of Congress.

I want to thank my colleague, Representative Patrick Kennedy, for his tireless work on this whole issue.

Mr. Chairman, BIA elementary and secondary schools are drastically underfunded. When I came to Congress 23 years ago, Carl Perkins appointed me to an Indian task force on Indian education, and I will never forget visiting the schools in such poor conditions that some of the children could barely keep warm, let alone learn. As a matter of fact, Mr. Chairman, a judge in my congressional district ordered a jail imploded—it imploded about 2 months ago—a jail that was built in 1930, which is much younger than some Indian schools, imploded because that jail was not fit for human habitation.

I have been in BIA schools that were in far worse condition than that. That jail was in good condition compared to some of the BIA schools. But a judge would not let us keep prisoners in that school, so your point about warehousing is exactly correct, Senator, and I appreciate that.

It is our responsibility to ensure that our Native American students are studying in environments conducive to learning. I know that as a Member of Congress and as a high school teacher for 10 years.

The purpose of the foundation is to encourage gifts of real personal property and income for support of the educational goals of the BIA's Office of Indian Education and to further educational opportunities for our Native Americans.

I recall exploring this idea several years ago and discussing the concept with several of my colleagues, and I am proud that the Senate, the House, and the administration are really moving on this.

The concept of a foundation is not a new idea to Congress. Congress has, from time to time, created federally-chartered corporations. In 1967, Congress established the National Park foundation. The purpose of this foundation is to raise funds for the benefit of the National Park Service, and funds received from individuals, corporations, and foundations are distributed to individual parks through competitive grants. It has proven its success.

I believe that the American Indian Education Foundation could be just as successful as the National Park Foundation.

Finally, I want to emphasize that I believe that Congress does have a Federal trust responsibility to ensure that every Native American receives a decent education.

Being from Michigan, Mr. Chairman, Senator Conrad, I read the treaties that affect the Michigan Indians, the Treaty of Detroit and the Treaty of 1850. In every one of those treaties we promised education in return for millions of acres of land, and we've done a poor job in keeping our part of that treaty.

So we have to keep up our Federal responsibility. This foundation will not replace that responsibility, but will support it through grants designed to support educational, cultural, and academic programs. We will not diminish our Federal responsibility, but we can invite others to help us discharging our obligation.

I thank you for the opportunity of testifying this morning.

Senator INOUYE. I thank you very much, Congressman.

[Prepared statement of Mr. Kildee appears in appendix.]

Senator INOUYE. The State of Michigan is most fortunate to have you, sir.

Our next witness carries on the Kennedy tradition in the Congress, the gentleman from Rhode Island, Mr. Kennedy.

STATEMENT OF HON. PATRICK J. KENNEDY, U.S. REPRESENTATIVE FROM RHODE ISLAND

Mr. KENNEDY. Thank you, Senator Inouye.

I suppose, after Congressman Kildee's remarks saying that he learned with your tutelage, I learned from his Tutelage. I guess, in an indirect way, I learned from you, as well, as all of us have in this Congress. You have been an outstanding leader on behalf of Native Americans, and there isn't a part of Native American country that I go to where your name isn't revered, and for good reason.

I am very pleased to be able to be here today in support of S. 1290. You know, it is interesting. It seems as though we in Congress are always on the defensive when it comes to Native American issues. Well, today we have an opportunity to go on the offensive. We have a chance to reverse the trend that Representative Kildee and yourself have just spoken about, along with Senator Conrad, and that is the deplorable condition of Native American schools.

I'm sure the committee is well aware of this deplorable situation. The per pupil expenditure for public education in the schools during the 1994–95 school year was $7,000. The Indian student equivalent equalization program funding for BIA students was $2,900. So if you are a non-Native American you get $7,000 per pupil spending, if you're Native American you get $2,900.

Also, to increase that disparity, unlike local schools that we have, public schools which have local resources they can rely on, BIA is entirely dependent on the money that the Federal Government gives to meet the educational needs of Native Americans in Native American lands.

According to the 1990 census, the American Indian poverty rate is more than twice the national average, and 31 percent of American Indians live below the poverty level.

In 1994, the national assessment of education progress showed that over 50 percent of American Indian fourth graders scored below the basic level of reading proficiency. This is the consequence of us not investing properly in Native American schools.

Another NAEP assessment showed that 55 percent of fourth graders scored below basic level in mathematics, and American Indian students have the highest dropout rate of any racial ethic group, at 36 percent, and the lowest high school completion and college attendance rates of any minority group, and among the highest suicide rates.

Well, why not? The message that this country is sending to Native Americans is,

> We don't care about you. We don't value you. We don't love you. We don't care about you. That's why we don't care about the state of your schools, the state of your education. You're not valued.

That's the message this society is sending by the deplorable state of education in this country.

And I just want to reiterate the comments of Senator Conrad and Dale Kildee about these schools. I've had the opportunity to visit many of them, myself, and I can tell you firsthand the same situations that you've both recounted today. This is a situation that has to be reversed.

I'm pleased that this bill will go a long way to helping to reverse this deplorable trend, but, as you know, right now the BIA and the Office of Indian Education is not authorized to distribute privately-donated monetary gifts or resources to supplement and, I might add, so desperately need to supplement these deplorable funding levels, and that's why, Senator Inouye, your bill, S. 1290, and Representative Kildee's bill over in the House will be so sorely needed to help supplement.

But I think it is important that we highlight, this is meant to supplement, not to replace, the Federal Government's need to do more by Indian education, and we need to be very clear, because the way a lot of people around here look at things, if we find a new funding source they'll say, "Well, that relaxes the need for us to do more to fulfill our trust responsibilities," and I want to be very clear on the record now that we are going to fight any attempt to look at this as a replacement. It should be nothing more than a supplement for these much-needed funds.

Finally, let me just say I don't think that this legislation should create a new layer of bureaucracy. There's a lot of suspicion about bureaucracy, and I think that we need to be very clear that it is an intention that we make this program a program that works.

And, finally, let me just say I think it is going to go a long way to help us meet the needs of Native American children in this country, and I look forward to joining with both of you in doing that, because I think it is the best thing that our country can do by our children is to show that they are our most precious asset, and that, while they may constitute, as they say, less than 20 percent of the population, they constitute 100 percent of our future, and we ought to treat them as our most valuable resource in this country.

Thank you, Mr. Chairman, for having this important hearing and introducing this important bill.

Senator INOUYE. Thank you very much, Congressman. We appreciate your statement. As always, it has been very powerful, and I'm certain Indian Country has heard your message.

[Prepared statement of Mr. Kennedy appears in appendix.]

Senator INOUYE. Senator Conrad, do you have any questions?

Senator CONRAD. I don't, Mr. Chairman.

Just a comment to both Congressman Kildee and Congressman Kennedy, how much we appreciate your being here today and your statements here today, because I think they confirm there is strong feeling, at least among some of us in Congress, that more needs to be done.

I think we all understand this is not going to solve the problem. This problem is deep. When we're talking about a backlog of a billion dollars just in school construction around the country and school repair, unless Mr. Gates decides to give very generously, we're probably not going to solve it through this foundation.

I think we should also be very quick to say we probably ought to be concerned about the tribal colleges, as well, and somehow including them. We're going to have a chance to hear from Mr. Carty Monette of my home State very shortly, and I know he is concerned, as chairman of AIHEC, about that question.

So I just wanted to thank both the witnesses for being here and for their very strong testimony.

Mr. KENNEDY. Thank you.

Mr. KILDEE. If I may comment, Senator, I think, as you know, the trust responsibility is with the entire U.S. Government, not just the BIA. Very often we beat up the BIA—and I have probably done that a few times in my 23 years here in Congress—but it is the entire Government, and that's why I'm so happy to see what is happening over here in the Senate.

On that point, when I used to start visiting BIA schools back in 1977, after a while I'd be getting phone calls from BIA principals saying,

> Congressman Kildee, would you come out to my school or just tell the BIA that you're coming, because they're here 1 week ahead of time fixing things up before you get here.

So in their limited resources they were at least trying to apply them where they would be seen, but we've got to make sure they're applied even where they're not seen.

I appreciate your interest in this.

Senator INOUYE. I am certain that one of the bills, the Kildee bill or this bill in the Senate, will reach the President's desk. At least let us make an effort to do that.

Thank you very much.

Our next witness is Michael Anderson, deputy assistant secretary for Indian Affairs, Department of the Interior.

Mr. Secretary, welcome, sir.

STATEMENT OF MICHAEL ANDERSON, DEPUTY ASSISTANT SECRETARY FOR INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR, WASHINGTON, DC, ACCOMPANIED BY KEVIN GOVER

Mr. ANDERSON. Thank you, Mr. Chairman, and also greetings to Senator Conrad, as well.

We wanted to add our voices and our support on behalf of the administration for the American Indian Education Foundation Act of 1999, S. 1290 on the Senate side, and the House side that will soon be introduced by Congressman Kildee. We certainly appreciate Congressman Kildee's attendance and also Congressman Kennedy's attendance today in support of the bill. It's something that we very wholeheartedly support and, indeed, the First Lady announced our support on behalf of the administration at the Sacajawea coin event last month, so we were on board early on with the idea.

It's something that in the Department has been talked about for a long time, and, for not an explainable reason, hasn't been done. The National Park Foundation, the U.S. Fish and Wildlife Foundation have been long established, and there has been a need, I think recognized but never acted upon, so the early and enthusiastic support that you had, Mr. Chairman, for the concept, even before bill language was introduced, gave us the momentum within the administration to get this done, and we certainly appreciate that.

Before going into some of the details of the legislation, I wanted to do some quick things on behalf of your staff, Kim Orr and Kim Teehee, on the Senate and House side respectively, Bill Mehojah, our deputy director, who will be accompanying me for follow-up questions, and Jody Kuzak and Norma Campbell within the Department who worked with the foundations to get information that would help us develop a good record of support for this initiative. We appreciate their efforts, as well.

Congress and the administration have worked a number of years, as we all know, to strengthen Indian education, but, as both Congressman Kildee and Congressman Kennedy noted, there is a major need for more funding in this area that can't be fulfilled only by the Federal Government. It should be, but, unfortunately, it has not been accomplished by the Congress or the administration, so, as a supplement to Federal funding, this foundation certainly makes sense.

Our testimony notes that we don't really have a lot of Federal funds for education. Basically, there are no funds available to cover the cost of training teachers and using new technologies. And, as we enter the new millennium, the ability to train young people in schools on new technologies, better computer systems, and competing in the internet age, is something that is becoming increasingly more important.

The cost of training teachers who can then train the children is something that this foundation could do as a purpose, and there really are a number of purposes that this foundation could act upon.

Our testimony highlights our family literacy program in Indian communities. Currently, the family and child education program only supports 22 of these programs through the BIA. They annually serve over 1,600 families and children. These family literacy programs in other agencies also provide support for BIA-connected programs, but with only 22 of these programs, again, a major need for literacy programs in our schools, something that this foundation could do.

Probably the most important reason in our testimony for this foundation is that there are substantial private interests who would like to support Indian education activities. Until now, there really has not been a national organization designed to support BIA schools. There have been some local organizations and church-sponsored schools. There have been individual efforts, but no national organization. And some have asked, as well.

Does it really make sense to have a national organization if you can receive gifts through your gift authority now? Why does the BIA need a national foundation?

The answer is, what this foundation does is gives us the focused energy, the credibility, the congressional and administration support to make this foundation work on a national basis.

We all get direct mail from a number of organizations asking for contributions. We don't have an idea, generally, on whether these are viable organizations, whether they are credible, whether they are sham organizations, and there's a lot of suspicion sometimes on the part of people who receive mail as to the credibility of the organization they're getting solicited from.

This foundation, the Congressional support for it, the fact that the assistant secretary and the secretary would select a board of nationally-known educators and others to assist in this endeavor gives it that kind of credibility that is needed in the foundation community, so that when Mr. Mehojah and others on the board who are assisting the board go out to charitable contributions committees for corporations and other large foundations, they know that this is something that is viable and it is something that's supported and needed.

That's the primary reason that we need an organization like this; to grasp the focused energy that this would bring.

Currently, the BIA has worked hard to bring corporations and schools together to join in partnerships. We mention in our testimony the fact that Microsoft has supplied equipment and software to 19 schools involved in the four directions project. This project received a government leadership award in 1997, and these contributions from Intel at Santa Fe also were an important part of our program. Those two contributions, alone, exceeded $2 million. So even without a focused effort we're getting some foundation money in, but imagine what could be done and the possibilities that could be accomplished with an energetic board that would actively recruit and meet with contribution committees.

By example, the National Park Foundation raises about $10 million a year, from Federal sources, and private communities. We would certainly expect that in 5 years we would have that same kind of funding base, and the board would then decide on the projects and how the funding will be used. There could be grant competitions, there could be application competitions for scholarships, for after-school summer programs or training. Really, the only limit is the board's imagination in terms of what this foundation could do.

Again we add our heartfelt and enthusiastic support for the efforts of this committee in making this happen and bringing it to the President's desk, where he will sign it.

With that, Mr. Chairman, I will conclude my remarks and be available for any questions. Thank you, sir.

Senator INOUYE. I thank you very much, Mr. Secretary.

[Prepared statement of Mr. Anderson appears in appendix.]

Senator INOUYE. I read some of the testimony of other witnesses, and there are some interesting suggestions. I would like to ask you a few questions on those suggestions.

First, can an Indian individual contribute trust land? And if he can, how would he do it?

Mr. ANDERSON. It is possible. We have had cases of an individual Indian wanting to donate trust land. It has to be taken out of trust. In those cases, the Bureau has generally not favored having land divested from individuals to the BIA. Our preference has really been that it be given to tribal governments.

Particularly if it is a situation where we are not sure if there are competing interests of members of the family who would like the land in trust, it is a very sensitive issue for the Bureau to begin accepting land into trust.

Certainly, private land, or land in fee simple, is something we're more than happy to accept. This foundation would be able to accept it, but we'd have to have a forced fee patent to take the land out of trust. It would not be a major priority of the foundation to get individual trust land donated to the foundation.

Senator INOUYE. This measure calls for the officials of the BIA to be involved in the selection of appointments of the board. Some have suggested that we should have the Department of Education involved. Do you think that is a good idea?

Mr. ANDERSON. We'd certainly be available to consult with the Department of Education. In terms of an actual co-selection process, we think that would add another level of bureaucracy to the selection process. Secretary Babbitt and Secretary Riley work together on education matters, and we would certainly take their input. Actually, we'd be actively soliciting their input on names and recommendations for the board.

In terms of having a second layer of decisionmaking, I think it might be too bureaucratic, and we would really like to get this board organized this fall, if possible.

Senator INOUYE. As Senator Conrad pointed out, this bill is limited to the support of primary and secondary education. Senator Conrad brought up the possibility of including colleges and universities. What do you think of Senator Conrad's idea?

Mr. ANDERSON. I think we are definitely available to discuss that idea. We know that the tribal colleges currently have a foundation called the American Indian College Fund that supports the activities of tribal colleges. Perhaps if those activities are expanded to share funds with the BIA schools that we have in mind here, we could expand our mission, which would be really to fund the K-12 BIA schools to include tribal colleges. We'd certainly be interested in that kind of dialogue to see whether that might be feasible.

We see their efforts now focused on tribal colleges, and if it can work that we supplement our mission with theirs, then that would be great, but we'd certainly be willing to discuss that with them.

Senator INOUYE. One technical question. Can these funds, foundation funds, be used to support tribal contract schools?

Mr. ANDERSON. Yes; it would even really support the missions and goals of public schools, in a general sense, if there were scholarships that the foundation was able to grant to support Indian education. So, I think the mission can be defined broadly.

What the board would have an opportunity to do is, in their charter, define a fairly broad mission of activities, and I think the best idea is to have it defined very, very broadly.

I am joined by my colleague, who is also my boss, the Assistant Secretary for Indian Affairs. I don't know if he wants to respond to any of the prior three questions, but I wanted to make sure that he had the opportunity, as well, Mr. Chairman.

Senator INOUYE. Before calling upon Senator Conrad, as you have pointed out, we would like to welcome Assistant Secretary Kevin Gover. Welcome, sir.

Mr. GOVER. Thank you very much.

Senator INOUYE. Senator Conrad.

Senator CONRAD. Thank you, Mr. Chairman, and welcome, Mr. Anderson. It is always good to see you, and it is good to see Assistant Secretary Gover here, as well.

With respect to this issue of tribal colleges, my understanding of their foundation is that those funds are used primarily to support students rather than institutions. Is that your understanding?

Mr. ANDERSON. I think scholarships is their main focus.

Senator CONRAD. You know, there are so many needs out there that it is very hard to limit it when you start putting together something to help, because, I tell you, I'm convinced these tribal colleges do more good than almost anything we put Federal money into. I've been at tribal college graduations, and I was just profoundly impressed by the difference it is making in people's lives. I mean, I am absolutely convinced of that. And I am also absolutely convinced of the need for elementary and secondary education, that we get additional resources in there so that you've got facilities and teachers that can help these kids get the best education, the best opportunities possible, so both of these are critically important.

Are there any concerns that you have about the organization, the makeup of the foundation that we've discussed thus far?

Mr. ANDERSON. No; we're fairly comfortable using the model of the Fish and Wildlife Foundation and the Park Foundation as a broad-based, large group of individuals who have experienced an Indian education. As you know from working in the foundation community, you need a good mix of people on a board and you need people that have access to people with money. You need people who have expertise in the mission of the foundation. And I think that legislation gives us enough flexibility that, as in our version of the bill and the Senators' version, the secretary and the assistant secretary would help to select those members and sit *ex officio* on the board. I think that is really a good model to follow and it has worked well for our sister foundations.

Senator CONRAD. Can I just make this point, that in my experience in boards of this nature—they are really boards to raise money—that it is critically important that people with money be on the board and people who raise money be on the board, because they are going to be the ones that are able to tap others who are similarly situated.

You know, sometimes we wind up putting a group of people who know a lot about the subject but don't have the contacts or the experience with raising money, and I think it would be a big mistake if we wound up with a board loaded with educators, however well-qualified, who really weren't good at raising money.

Raising money is a special ability. Maybe we could get George Bush to serve.

Thank you, Mr. Chairman.

Senator INOUYE. Thank you.

Secretary Gover.

Mr. GOVER. I just want to thank you, Mr. Chairman, for sponsoring our legislation, and Senator Conrad, as well, and all your colleagues, and commend Mike and Bill for the work they've put into this.

It is never easy to try to move an idea through the Administration, but they got this one done and we're grateful that you found it a good idea, so thank you very much.

Senator INOUYE. About 8 years ago we began a little discussion among Indian educators as to whether the time had come for a major Indian university somewhere in Indian country. At this time the Federal Government, I believe, provides about $3,000 per capita support for Indian students in Indian tribal colleges. Our Government, at the same time, provides support for other minority students, such as Howard, at the rate of about $15,000 to $16,000 per capita. Maybe the time has come for us to provide the same support for the first citizens of this land.

I am glad that Senator Conrad is bringing this up. I think we will have a possibility here, sir.

May I now call upon panel three, and may I call upon Senator Conrad to present to us Mr. Monette.

Senator CONRAD. Thank you, Mr. Chairman.

I would like to take this opportunity to introduce Carty Monette.

Mr. Monette is the president of Turtle Mountain Community College and has been for over 20 years, is also the immediate past president of the American Indian Higher Education Consortium, and I think one of the most distinguished advocates for higher education in the Indian community, somebody that I respect very much.

We welcome Mr. Monette. It is always good to see him. He's somebody that we listen to very carefully, because he has that rare combination of wisdom and courage that makes a difference in a community.

Welcome, Mr. Monette.

STATEMENT OF GERALD "CARTY" MONETTE, PRESIDENT, TURTLE MOUNTAIN COMMUNITY COLLEGE, BELCOURT, ND

Mr. MONETTE. Thank you, Senator Conrad, thank you for the kindness and caring that you've demonstrated for Indian people over the years, not only North Dakota people but all Indian people, I thank you for that.

Mr. Vice Chairman and other members of the committee and staff, thank you for this opportunity.

My name is Carty Monette, and I've been with the tribal college movement for about 27 years now. That's almost since the beginning of the movement. I have been lucky, because I really enjoy this work. It is challenging. It is satisfying. I'm really fortunate because of that.

I really appreciate the discussion on tribal colleges that has taken place here, because I believe we are doing a good job. We are filling a void in American higher education. We're presenting opportunity and access to quality post-secondary education to tribal nations for the first time in the history of this country.

When I say 1972, I'm talking less than 30 years. It has taken that long for America to develop some method of bringing quality post-secondary education to Indian people, so I'm very proud of being part of that movement.

I'd like to mention that we have some very well-written testimony that has been submitted for the record. I am not going to read that testimony because I want to make some points regarding the foundation that is being proposed here, and I'd like to present reasons why I believe tribal colleges ought to be a vital part of this new foundation.

As you know, American higher education currently has a unique window of opportunity because of the movement toward school reform at the K–12 levels. America, not just Indian people, are looking at ways to improve the standardized test scores for all Americans and to prepare our young people to compete in the world in the next millennium.

Tribal colleges are unique because they fit right into that initiative, that motivation.

We serve Indian communities. We serve Indian people with a community-based type of program. We serve all people in the communities.

I'd like to present one example of what we do at tribal colleges to show that we have a role in K–12 education and that we ought to be a part of this new foundation.

At Turtle Mountain Community College—and I am a little reluctant to talk about a program that we have, but I think the situation here is important enough that I do talk about our program—we have a project that is funded by the National Science Foundation that supports over 100 schools in six States among 20 Indian nations in an effort to bring about systemic change in the areas of K–12 science, mathematics, technology, and engineering.

The program's primary purpose, of course, is to cause school systems, tribal governments, and tribal communities to create change—change that will result in improved access, opportunity, and success in the sciences, in mathematics, technology, and education on these reservations.

We are in the 4th year of the program, and although, in the scheme of things, 4 years is not very long, we are already beginning to see some results—results in improvement in standardized test scores, particularly in the area of mathematics, at some of these schools. We are seeing results in policy changes that are being made by schools and tribal governments.

Our approach—and I'll try to keep it brief—is to work with school boards, with parents, with teachers, and administrators. The intent is to move the school districts toward understanding and teaching toward the standards, the national standards, State standards where they exist, and tribal standards where they exist, and to encourage the creation of tribal standards in the areas of science, mathematics, and technology.

We have other programs where the tribal college involves itself with the K–12 system. We work with elementary, secondary middle school students to improve access to different sciences and math programs funded by NASA, by NSF, HHS, Interior, EPA, and several of the agencies.

I'm very proud to say that in the audience here today—and I was not aware of it until this morning—we have a group of students, some of whom represent some of the tribal colleges, that are doing internships in the Washington area under the WINS program. WINS represents the Washington Internship for Native Students. I welcome these students here, and I think this is a good experience for them.

We also do a lot of work in trying to equip our schools to have access to technology, we've done that in North Dakota, and I'm very pleased to sit on a committee that Senator Conrad has created in the State of North Dakota regarding technology. We want our schools to have technology. We've written grants to the Federal Government to find the resources to do that, and I'm proud to say that on every reservation in North Dakota right now there is local access to the Internet. That doesn't always transfer into the schools.

But we also want to have more than access. We want to teach our teachers how to use the internet in their teaching, and we're doing that through the rural systemic initiative and through other initiatives in the Federal Government.

I have some recommendations that I'd like to present to the committee for consideration as we move forward with this new bill.

Basically, the recommendations are to encourage that this new initiative allow the tribal colleges to partner in some respects, to form collaborations, in order to deliver services to our people in a manner that we have learned how to do.

The American Indian Education Foundation should support life-long learning projects at tribal colleges and universities. And if the foundation programs remain focused on elementary and secondary levels, the board should consider funding only those projects that are linked to standards or school improvement and include programs that encourage linkages with post-secondary programs.

Of course, before Congressional action, the committee should ensure that it secures adequate input from the affected communities, to include the school districts, Indian educators, tribal governments, and tribal college officials.

I would ask that Congress take into consideration the potential impact the foundation's creation might have on other American Indian organizations and foundations so that the new foundation's work can complement, not detract from what is already being done.

And very important is the need to work closely with the Executive Order No. 13021 on tribal colleges and universities. The Executive order was signed by the President in October 1996, and part of that Executive order requires that the Departments work to leverage public/private partnerships through the White House initiative, and also to link with K–12 schools.

It is essential that we continue to strengthen the vital programs the tribal colleges have to offer American Indian school children and their families.

If my Ojibwa leaders will forgive me, I'd like to present a quote of a late Sioux warrior and chief, Sitting Bull, who said many years ago, "Let us put our minds together and see what we can build for our children."

Once again, on behalf of the AIHEC member institutions, thank you for this opportunity to testify before you today. We appreciate the committee's work. We always appreciate the support we get from this committee and from other Members of the Congress, and we look forward to continuing to work to bring quality education opportunities to American Indian students.

Thank you very much.

Senator INOUYE. Thank you very much, Mr. Monette.

[Prepared statement of Mr. Monette appears in appendix.]

Senator INOUYE. I will call upon all the witnesses before asking questions. And before proceeding, may I assure all of you that your prepared statements have been made part of the record.

May I now call upon the executive director of the National Indian Education Foundation, Mr. John Cheek.

STATEMENT OF JOHN CHEEK, EXECUTIVE DIRECTOR, NATIONAL INDIAN EDUCATION ASSOCIATION, ALEXANDRIA, VA

Mr. CHEEK. Hello. Good morning. Actually, I'm the executive director of the National Indian Education Association. We would like to be a foundation in the near future, but that doesn't look a possibility at the moment.

Senator INOUYE. We will upgrade you.

Mr. CHEEK. Thank you. I accept.

On behalf of the board of directors for the National Indian Education Association, we are very pleased to be able to present testimony today on the American Indian Foundation that is being proposed. The National Indian Education Association was initially involved or got word of this initiative in March during our Impact Week that we held here in Washington, DC. Representatives from the Bureau of Indian Affairs briefed us on the idea and sort of some of the groundwork that got the foundation proposal moving.

At that point, we gave our initial okay with the idea, and after reviewing some of the draft legislation for it and after some additional meetings with Bureau officials, NIEA is fully in support of this initiative. We feel that it is very much needed in Indian country today because of the lower amounts of dollars that are going into Indian education.

Following up on Mr. Conrad's comments earlier about the school construction issues, earlier I mentioned about our impact week that we had here in Washington in March. During our meeting here in Washington, we had some representatives from different tribal schools that came in to Washington. Some representatives were from the LukShuKi Indian School. While they were here at the meeting, it just so happened that the kids were on spring break during that week. The last day of our meeting, we found out that the roof had collapsed in the cafeteria of the school. Fortunately, none of the kids were in the building at the time.

Our position—we have mentioned this over and over—we don't really feel the Federal Government has really lived up to its obligations in most areas of Indian education. School construction is just one of those areas.

Our immediate concern, I guess, is sort of a life-threatening one. We don't really think much will be done to alleviate this condition. Nothing may really happen, in our opinion, until the first child is killed in a similar type of accident, so we would really encourage the committee to recommend some additional money going to the school construction problems that are out there.

NIEA has identified several priority areas in Indian education, and school construction is at the top of the list. Other items in that category include adult education and funding for post-secondary scholarships for Indian students.

In researching our statement for the American Indian Foundation proposal, I looked at some material from the National Committee for Responsive Philanthropy. They will be coming out with a final report this year on the condition of corporations and the amount of money that they give through their different donations and programs.

When we looked through it, we found that corporate donations—of the total amount that they give out, only 10 percent are received by minority groups. Out of that total, less than 2 percent receive money through any corporate donations, and most of these for just probably less than probably around $4 million or $5 million that we could find, and that was just with corporation donations. That does not include private foundations and some of the other organizations that do provide money for different groups.

We feel that this foundation proposal is needed. We would like to see it introduced and enacted. NIA would like to recommend that we have an opportunity to present recommendations for people that sit on the board.

I agree with Mr. Conrad's statement that we should have people on the board that are familiar with fund raising. That is key to getting resources to come in. But I think you should have a mix of at least—maybe even a sub-advisory group that could be very well versed on Indian education issues. Even some members that are sitting at this table could possibly sit on that.

Some of the items that we were concerned about—and some of them have already been mentioned—in regards to the trust funds issue if a person wanted to donate trust lands.

Another issue that wasn't brought up is with the situation of Indian gaming there was a proposal that came out regarding means testing, and this would have been introduced into the mix of the Federal dollars that tribes get, and, to some extent, the means testing proposal would determine how much money a tribe should get based on their revenues from gaming.

We hope that this situation does not fall into the same situation with the Indian Education Foundation. The funds that go into the foundation should be there for the sole purpose of providing educational opportunities for American Indians and should not be affected by any congressional appropriation decisions, in our opinion.

We would like to see the foundation address some of the post-secondary needs, in addition to adult literacy needs. We feel that is an area that is lacking at the moment. You are aware that the Elementary and Secondary Education Act is going through its reauthorization process. The administration's proposal eliminates several programs that are currently authorized but currently unfunded. Many of these programs would do a lot to get Indian country elevated to the status that they need to be.

Some of these programs include gifted and talented programs, adult education programs, tribal education departments, and Indian fellowships, which is a scholarship program.

Without these programs in place or some way to fund these critically-needed programs, we're not really going to see any improvement in the educational status of American Indians. The programs that exist right now are basically K–12 programs, and there are very few post-secondary programs out there. Scholarship money has pretty much—it's about a one-quarter of what it was less than 5 years ago. So that situation, alone, really creates a—it's almost like a drop-off point, I think, for Indian students, once they graduate from high school, and there's really not much opportunity out there beyond the high school level, so we would hope that this foundation could address that issue, as well.

In closing, I would just like to say that we appreciate the committee inviting the National Indian Education Association in to provide comment on this proposal. Again, we fully support the initiative. We would like to help it along in whatever way that we can.

NIEA this year has also embarked on its own endowment proposal to get our organization more stable than it has been in the past. This year, NIEA celebrates its 30th anniversary, so we have been in the Indian education picture for quite a while.

We feel that the development of our own endowment would help the stability of our program, and we think some of the ideas that we have come up with could also help in initiating the foundation.

With that, I'd be happy to answer any questions.

Thank you, Mr. Chairman.

Senator INOUYE. Thank you very much, Mr. Cheek.

[Prepared statement of Mr. Cheek appears in appendix.]

Senator INOUYE. May I now call upon the executive director of the Association of Community Tribal Schools, Robert Bordeaux.

STATEMENT OF ROGER BORDEAUX, EXECUTIVE DIRECTOR, ASSOCIATION OF COMMUNITY TRIBAL SCHOOLS, SISSETON, SD

Mr. BORDEAUX. Senator Inouye and Senator Conrad, we'd like to thank you for giving us the opportunity to testify before the committee on the American Indian Education Foundation.

I'm Roger Bordeaux. I'm a Lakota from the Rosebud Reservation in South Dakota, and I've been involved with elementary and secondary tribal schools since 1974 as a teacher, coach, and administrator, and, as a matter of fact, today I am starting my tenth year as the superintendent of Tioshbazina Tribal School on the Sisseton-Wahpeton Reservation that is in North and South Dakota.

I am also the executive director of the Association of Community Tribal Schools, and I have been affiliated with that organization since its inception in 1982, and we've always been able to get help from this committee over the years to work on a number of issues.

We have already submitted some written recommendations for the foundation bill. I think there are specifically 13 of them. They are in by section.

Flying here last night, I have a couple other ideas I'd like to mention, and then I'd also like to submit some other things to support some of the stuff Senator Conrad was saying and some of the stuff that you were saying and Congressmen Kildee and Kennedy in regards to the needs that are out there in Indian country.

So, for some of the additional recommendations I have is, in regards to the membership on the board, if it ends up where it ends up being targeted toward BIA elementary and secondary schools, based on previous experience with other boards and commissions that have been set up, we would highly recommend that if there is any tribal representation on that board, that it be restricted to those tribes that have BIA elementary and secondary schools.

There are—whatever it is—530 different tribes, and I think 80 or 90 of them actually have BIA elementary and secondary operated systems. Sometimes in previous committees we've come to situations where an issue of elementary and secondary for BIA-funded schools has come up, and there's only been maybe one out of 20 people specifically for those constituents, and it is difficult for us sometimes to try to get some things done. So that's one of the additional recommendations that we have.

I think, in looking at the restrictions in 21608, in trying to—you might have to look at trying to define a little bit better what administrative cost is. There is a 10-percent restriction on there, but I still think that, again, based on previous experience in working with the Federal Government, that you may have to further define what administrative cost is.

And then I think, again, what Senator Conrad said is a good idea about getting fund-raisers in there, qualified people that also do that in addition to Indian educators.

And so those are some of the additional things that I thought about in addition to the written testimony that I submitted with those recommendations.

And then, just to support some of the things that have been said previously, I'd like to submit three documents that I'd like to be put in the record, and one is a detailed, by-school identification of the complete backlog of facilities in all 185 BIA-operated schools or BIA-funded schools. This document is as of January 1, 1999, so it is fairly recent. It identifies, by school and by specific area, in regards to emergency needs, environmental, safety, handicap, physical plant, and everything else, and this one identifies just the repair needs of $750 million, and I'm sure that same amount is needed for replacement.

I'd like to submit that just to verify some of the needs that are out there.

I'd also like to submit a document that was put out in February 1999 which talks specifically about operation and maintenance costs, and this is identified specifically for our school at Tioshbazina in South Dakota and North Dakota.

The Bureau has a system to identify needs for operational maintenance costs on a yearly basis, and our identified need this year was $415,000, and, because of the appropriation that eventually came from Congress for this year, we only got $279,000, so it is about 67 percent of the actual need. It's just another resource that will identify an additional need for the American Indian Education Foundation.

And the last thing is two other documents, which are the amendments which we are proposing to the Charter Control School Act, which is part of the Improving America's Schools Act, which is currently up for reauthorization right now. We have been working hard with other national and regional organizations to put together a package that deals with tribally-controlled elementary and secondary schools. We'd like to submit that as part of the record.

Part of our recommendations in there include the authorization for some endowment programs at tribally-controlled elementary and secondary schools which could relate to the American Indian Education Foundation, and the other part is we have a complete rewrite of the Bureau education programs in the Improving America's Schools Act, which is commonly referred to as the 561 legislation, and we'd like to submit that whole thing also, because that is over 20 years old. The Bureau has only been able to—I think GAO said they were implementing only 11 of the 16 original recommendations in that piece of legislation that was passed 20 years ago, and we think it needs to be completely redone, so we'd like to submit that also as part of the record.

Thank you, sir.

Senator INOUYE. Thank you very much, Mr. Bordeaux.

[Prepared statement of Mr. Bordeaux appears in appendix.]

Senator INOUYE. The documents that you have described will be made part of the record, I can assure you.

The next witness is the president of the Navajo Area School Board Association, Ms. Kathryn Benally.

Ms. Benally.

STATEMENT OF KATHRYN BENALLY, PRESIDENT, NAVAJO AREA SCHOOL BOARD ASSOCIATION, WINDOW ROCK, AZ

Ms. BENALLY. Thank you, Mr. Chairman and members of the committee.

I am the president of Navajo Area School Board Association. I am also a parent of students at boarding schools attending on the Navajo Nation, and I am also a grandparent.

I just want to share with you an experience I had on my way over here. Like Mr. Cheek mentioned earlier, we had impact week here in March, and we flew in, and I sat—I was very fortunate to sit by a young lady, or a middle-aged lady that I got to talking with, and she said she had recently, about 20 years or less—I don't remember exactly what she said, but she moved from Italy, and before that another country, but eventually to America, and she had a very, very good business doing very well. She's doing international business.

I got to telling her about Native Americans, and, sadly, she didn't know enough about us. I think she wanted to make a contribution to help the Native American students, and I gave her an address, and she started corresponding. In the end, she contributed to the one that was most credible. Unfortunately, our schools, the BIA schools on the Navajo Nation, isn't set up where we can accept funds or sell ourselves or market ourselves in that way.

This young lady eventually contributed a large amount of funds to an Indian tribe in Phoenix. Imagine how that made me feel, and probably the students, had they known about it.

First of all, there isn't enough known about Native Americans. Then, those that want to know about us and those that want to contribute to help us don't have something like this kind of foundation set up. And then those that are in the greatest need, those of us that are so far remote, we don't have that same opportunity. Those that don't need it, like what I just mentioned about the tribe in Phoenix, they get a lot of opportunities like this, and I believe this foundation will help bridge that gap.

So, coming from the local, the very grassroots level, we certainly support this effort and the efforts that you are all putting through to help us.

Also, I'd like to cite another example. This is also a school on the Navajo Nation. This one school made good friends with folks in Hollywood. They started corresponding with the children at this school. For years, these well-to-do individuals helped, personally helped the students as they went through elementary and junior high and even high school. That particular group eventually went on to college and did very well and graduated. Students at other schools—same opportunity except that they didn't have friends from Hollywood—are back home. They're don't have the higher education. So that right there shows us that, with the care that people have throughout the country, and even the world, we can do—Native American children can do just as well or even excel in whatever they put their hearts to. They just need that little support.

I'd like to share those personal experiences with you.

Also, like Senator Conrad mentioned, we do have a dire, dire need for upgrading and building new construction just to house or children to go to school. These boarding schools, they have to house our children 24 hours a day, some 5 days and some 7 days a week. Our buildings, like everyone says, are in the poorest of condition.

Perhaps if there is somebody at this level, somebody credible at this level, appealing to the people that would like to contribute, perhaps we could address those, we could begin to address those.

We don't know if they will earmark it for construction, but that's our hope.

We know that the Federal Government may never, never meet this need for us. I don't have any hope. I really don't. So perhaps our only hope is to appeal to the hearts and the graciousness of the general public in addressing our construction needs in Indian Country everywhere.

Also, there are children that have to reside in these dormitories, residential areas. They don't have anything to do after a certain time—6 p.m. or 7 p.m. School lets out about 3 p.m. or 4 p.m. They have plenty of time. We don't have the funds for extra-curricular activities. We don't have the funds to train them in technologies. We don't even have the funds to hook them up right now. Yes, we are so, so far behind.

This may be an answer to our prayer.

Thank you, Chairman.

Senator INOUYE. I thank you very much, President Benally. Your statement is most relevant to what we are discussing here.

[Prepared statement of Ms. Benally appears in appendix.]

Senator INOUYE. It is absolutely true that America knows very little about Native Americans. Unfortunately, what little they know might be very negative and based upon false stereotypes. I hope that this foundation, if established, would do a better job of educating the people of the United States.

Most unfortunately, the lack of interest in Native America is reflected in the Congress of the United States. So we will try to accomplish our best to do what you have been trying to do all these years.

Now, if I may, I would like to ask a few questions of all of you.

First, if I may ask Mr. Monette, as you know, most tribal colleges do receive grants and other support moneys from private sources, but that is not the case for primary and secondary schools, elementary schools.

Do you think that this foundation, if established, should give a priority to elementary and secondary schools before they provide assistance to tribal colleges?

Mr. MONETTE. Mr. Vice Chairman, about the mid-1970's I was at a tribal council meeting at Turtle Mountain, and our chairman, James Henry, who has since passed away, was very supportive of the Turtle Mountain Community College, and this very question came up.

The other elected councilpeople and the educators in the room, after lengthy discussion, indicated that, indeed, a good, solid basic education is essential if any of our young people are to be successful in life.

At the same time, it is now 1999, and I look at the drop-out rate in the high schools and it is still well over 50 percent. And I look at the standardized test scores, and they are still far below national averages. And I look at the quality of teachers that we have in our schools, and I look at the attitude of some of the community members who really want the best for their children but have somewhat given up on the school systems, and I see that the role of our institution, the role that we have to address some of those areas is enormous, and I see it as our responsibility as an entity outside of the school system who can bring together the several school systems that are on the reservation to work toward school reform and to help young people prepare themselves academically and to assist teachers and principals to develop and implement good quality educational programs in our school systems.

So I think it is all important, Mr. Chairman.

Senator INOUYE. Thank you very much.

Mr. Cheek, in your testimony you suggested that your organization be allowed to forward suggestions for possible board members. In your opinion, what qualifications or characteristics should members of this board possess?

Now, for example, Senator Conrad said some should be fund raisers, some should be parents, some should be educators. What do you suggest should be the characteristics or skills that these people should possess?

Mr. CHEEK. Well, I'm sure we could probably have a board of up to about 50 people that would meet all of those categories.

I feel that whoever is appointed to the board would need to have an empathetic heart to the needs of American Indians. Some of the people in this room definitely fit this bill. Some of the people that sit on the Native American Caucus could possibly be members of that. In particular, Dale Kildee would be my recommendation, as far as congressional person.

I don't know. It would be very difficult to have a board, I think, that met—if you had one person from each one of those categories, it would be difficult, I think, for them to really get much done. I think you would need to have probably the majority of them be professional people involved in fund raising already and have them assigned to the Board.

But somehow, some way, some of the members on there need to be definitely involved in Indian education, know what it is like to have a student going into K–12 schools or anything any higher than that.

I think the visibility of the membership of the board would be critical. In our testimony, we recommended that whoever is assigned to it should be able to provide marketability to the foundation, and I think some critical, key Members of Congress would be well positioned to do that if they were appointed to the board.

Senator INOUYE. Mr. Bordeaux, in your testimony, on the matter of reimbursing the secretary for the use of facilities and administrative expenses, in your testimony you state that the foundation should not have to reimburse the secretary until the foundation has or least $2 million. What is the $2 million?

Mr. BORDEAUX. I think that what I was looking at was a threshold to try to figure out what I thought would be the minimal amount needed to run administrative costs for a given foundation, and if the legislation stays the same at 10 percent, then the legislation says that the foundation could use up to $200,000 in administrative costs around the foundation, and so that's why it picked that threshold.

We have some self-insured programs in South Dakota on workman's compensation, and we set a threshold for reimbursement on dividends and everything at $3 million, and that's what we felt—I think it was three or four times the annual premium rate, or something like that, to make sure that there's enough money in the fund before some other things happen, so that's why we put it that way.

Senator INOUYE. You also recommended that the foundation should be required to purchase errors and omissions insurance, as well as general liability insurance, equal to two times the total assets of the foundation. What is the basis for this recommendation?

Mr. BORDEAUX. Again, it's the same thing, based on experience. When you look at private, nonprofit corporations, generally either a lot of States, or else individually, they determined that if you legally can be sued and sue, you have to have some type of protection, and the protection base normally that we do at our school system is two times the annual revenue of the school system, just to be on the safe side. And so that was why we used the two times. And then the errors and omissions and general liability should cover the Board and any of their employees.

Senator INOUYE. I thank you very much.

Ms. Benally, as you know, the bill, as drafted, would make beneficiaries students of primary and secondary schools. Now, all these witnesses have suggested that colleges and universities should also be included. What are your thoughts on this?

Ms. BENALLY. I support Indian colleges and universities; however, before you can send a student to college or university you have to have built a strong foundation at the elementary and secondary level first, so I believe that this should benefit just those schools for now.

Senator INOUYE. Because of the complex nature of the bill, I will ask that the record be kept open for at least 4 weeks, and if you do have, as Mr. Bordeaux has indicated, additional recommendations or suggestions, please feel free to do so, because you have added a new dimension about colleges and universities, for one thing, and the question will come up whether we should do that. And so, therefore, in your addendum, if you want to do that, will you touch upon that aspect of your testimony? If you feel that it should be expanded, can you provide us with the rationale and justification?

Second, as you know, there are funds, like the American Indian College Fund, which serves colleges and university students, but there is nothing comparable for elementary schools, and I want that aspect also covered by your addendum as to whether, in your discussions, primary and secondary schools should be given priority, assuming that we expand this to include colleges, also. And if we do give priority, how should that be done?

I would like to stay here to continue our discussions, but—I do not know if you have heard it—there is a bell out there and we have a vote pending on the floor, and I am required go there to vote so, once again, thank you very much. As I indicated, the record will be kept open for 4 weeks, and we welcome any additional information you may have to provide us.

We need numbers. For example, I cited one set of numbers, Howard University getting about $15,000 per capita, and I believe community colleges get something like $2,900 or $3,000 per capita. If you have anything like that, we would welcome that.

Thank you very much.

[Whereupon, at 10:53 a.m., the committee was adjourned, to reconvene at the call of the Chair.]

APPENDIX

Additional Material Submitted for the Record

Prepared Statement of Hon. Ben Nighthorse Campbell, U.S. Senator from Colorado, Chairman, Committee on Indian Affairs

This morning the committee will receive testimony on S. 1290, a bill to establish an American Indian Education Foundation.

S. 1290 proposes to establish a foundation that will conduct activities for the benefit of, or in support of, the mission of the Office of Indian Education Programs of the Bureau of Indian Affairs, a mission which I fully support. As a former teacher, I know that even in ideal physical surroundings, children face difficulties in today's world in focusing on their studies and getting a good education.

Given the poor physical condition of most of the BIA schools, it is nothing short of a miracle that Indian children are doing as well as they are doing.

The bill hopes to accomplish what we in Congress have not been able to accomplish through the regular appropriations process in recent years: To supplement the current dollars that BIA Schools currently receive at what we all agree is a disgracefully inadequate level.

By all estimates, BIA schools, will require at least $2 billion to bring the schools up to standard and address the current backlog. We all know that students at BIA schools are funded at nearly one-half the rate that other federally funded schools are funded. Yet we continue to see funding for these schools remain level and the backlog of construction grows larger, with current estimates at $740 million.

S. 1290 laudably attempts to bring the private sector in to assist with these important Indian educational needs. It is my hope that this legislation will generate the kind of dialog and creativity that I think is needed to bring positive changes in Indian education, including our ongoing efforts to provide additional funds for school repair, construction, and the curriculum.

I look forward to working with vice chairman Inouye and the cosponsors of this bill to achieve workable solutions to the problems that face Indian educators and Indian children.

Prepared Statement of Hon. Patrick J. Kennedy, U.S. Representative from Rhode Island

Mr. Chairman, Senator Inouye, members of the Senate Indian Affairs Committee.

It is an honor to be here and I want to thank you for your kind invitation. I also want to say that I am pleased to be joined by my friend and cofounder of the Native American Caucus, Congressman Dale Kildee. Together we are in full support of S. 1290 and we will be working aggressively on the House side to match your efforts.

Over the past several years it seems to me that Indian country has continually been on the defensive. Often tribes have had to struggle to simply keep the status quo against legislative proposals that would serve to undermine tribal sovereignty and weaken the trust relationship.

Today can be different. Today we have a chance to do something positive for Indian country. Right now we can begin a process where the hallmarks of treaty and trust are celebrated. We can offer Indian country a distinct opportunity to improve the quality of life for future generations of Native children.

As I am sure the committee is well aware, the state of education in Indian country is far below that of non-Native communities.

The per pupil expenditure for public elementary and secondary schools during the 1994–95 school year was over $7,000 The Indian Student Equalization Program funding for BIA students was about $2,900.

Unlike public schools which have State and local resources for education programs, Indian schools in the BIA are totally reliant upon the Federal Government to meet their educational needs.

According to the 1990 census, the American Indian poverty rate is more than twice the national average as 31 percent of American Indians live below the poverty level.

The 1994 National Assessment of Education Progress showed that over 50 percent of American Indian 4th graders scored below the basic level in reading proficiency. Another NAEP Assessment showed that 55 percent of 4th grade American Indian students scored below the basic level in mathematics.

American Indian students have the highest dropout rate of any racial or ethnic group [36 percent], and the lowest high school completion and college attendance rates of any minority group. As of 1990, only 66 percent of American Natives aged 25 years or older were high school graduates, compared to 78 percent of the general population.

Approximately one-half of BIA/tribal schools [54 percent] and public schools with high Indian student enrollment [55 percent] offer college preparatory programs, compared to 76 percent of public schools with few [less than 25 percent] Indian students.

Sixty-one percent of students in public schools with Indian enrollment of 25 percent of more are eligible for free or reduced-price lunch, compared to the national average of 35 percent.

And finally, many of the 185 BIA-funded schools are in desperate need of replacement or repair.

Members of the committee, it is clear from these statistics that there is a pressing need in elementary and secondary Indian education. My colleagues, this is a situation which must be met with fierce determination. We need to support an aggressive agenda for Indian education because the current landscape is not meeting the challenge.

Right now, the BIA and Office of Indian Education is not authorized to distribute privately donated monetary gifts or resources to supplement the missions of these agencies. Yet every year numerous inquiries from the public are made as to where they can donate funds that will be spent wisely on behalf of Indian education. Simply put, we are missing out on a unique opportunity to help funnel non-governmental resources into Indian education. Ultimately, I believe this legislation is the appropriate answer to this situation. We can give the public a high profile mechanism to reach out to Indian Nations in a way that is apolitical and noncontroversial.

Simply put, the establishment of an American Indian Education Foundation is good government. It speaks to a modern way of doing things in which successful private-public partnerships are created. It is also an efficient way to get at the heart of a very pressing problem without placing an undue additional burden on taxpayers.

Within 2 to 3 years after enactment of this bill the foundation should be completely self-sufficient and will not use more than 10 percent of its generated funds to pay for operating expenses. My colleagues, lets be clear at the outset—the purpose of this legislation is not to create a new level of bureaucracy or make some staffer rich. In my opinion such a situation would be one more example of where this Government has failed in its trust duty to Indian country. In brief, it is my intention to hold the bureaucracy to the letter of the law that we are now beginning to draft.

As for the role of Congress I do want to make one thing perfectly clear. It should not be the intent of this legislation to use the funds raised to take the place of existing Indian education programs. Rather, these funds should be considered entirely separate and supplemental to the efforts of the Federal and tribal governments. My colleagues, we all understand the budget shell game and I do not want to see the success of this program leveraged against governmental funding for teacher training, school modernization, and education technology initiatives. In short, I do not want to hear one voice out there saying that we do not need to fund the Office of Indian Education because the foundation has *x* amount of dollars in its account. To do so would again be another slight against our trust and treaty obligations to the First people of this Nation.

In the end, I want reiterate the obvious. Indian country is lacking in the resources needed to train its children for the demands of the global economy. The 106th Congress has a chance to help rectify this problem. While we should continue to allocate more Federal resources toward the growing population of children within Indian country we can also make it easier for private interests to become involved. Helping Indian children achieve is not only a public trust but a private one as well.

Mr. Chairman, Senator Inouye, and members of the committee thank you for your continued leadership and commitment to our Native children. I hope you will move this legislation in an expeditious manner.

PREPARED STATEMENT OF HON. DALE E. KILDEE, U.S. REPRESENTATIVE FROM MICHIGAN

Mr. Chairman, good morning. As cochairman of the House Congressional Native American Caucus, I want to thank you for giving me this opportunity to address S. 1290, a bill creating an American Indian Education Foundation.

I am pleased to announce that after the July 4th break, I will introduce the House version of this bill. My staff and I are working closely with the House Education and Workforce Committee to ensure bipartisan support for the bill. I would like to thank my colleague, Representative Patrick Kennedy for his support of this proposal.

Mr. Chairman, as a senior member of the House Education and the Workforce Committee, I have enjoyed the opportunity of developing proposals designed to support Indian education. Up for reauthorization this Congress is the Elementary and Secondary Education Assistance Act that includes a section devoted to Indian education. This act supports the educational, cultural and academic needs of American Indian, Alaska Native and Native Hawaiian children.

It is estimated that the BIA educates approximately 12 percent of the Native American K–12 population. This means that 88 percent of our American Indian and Alaska Native youth rely on supplemental educational programs like Johnson O'Malley. This program provides services to more than 200,000 Indian students. However, these programs are drastically underfunded.

A critical need for an increase in funding for school construction exists in Indian country. When I came to Congress 23 years ago, I was appointed chairman of the Indian Education Task Force. I will never forget visiting schools that were in such poor condition that the children of these schools could barely keep warm let alone have a chance at getting a decent education. I know that the judges in my hometown in Michigan shutdown prisons that were in better condition than many schools I visited.

Our Native American students deserve a descent education. It is our responsibility to ensure that our children are studying in environments conducive to learning.

I support the creation of an American Indian Education Foundation because I believe Congress must find a new way to supplement current funding for BIA Indian education programs. The foundation would encourage gifts of real and personal property and income for support of the education goals of the BIA's Office of Indian Education Programs and to further the educational opportunities of American Indian and Alaska Native students.

The governing body of the foundation would consist of nine board of directors who are appointed by the Secretary of the Interior for an initial period. The Secretary of the Interior and the Assistant Secretary of the Interior for Indian Affairs would serve as *ex officio* non-voting members. Members of the board would have to be "knowledgeable or experienced in American Indian education and . . . represent diverse points of view relating to the education of American Indians." Election, terms of office, and duties of members would be provided in the constitution and bylaws of the foundation. Administering the funds would be the responsibility of the foundation.

S. 1290 would allow the Secretary of the Interior to transfer certain funds to the foundation. It is my understanding that the initial funding for the foundation would come from existing donations or bequests made to the BIA. Funds prohibited by the terms of the donations would not be used for the foundation.

The foundation is not a new idea to Congress. Congress has, from time to time, created federally chartered corporations. In 1967, Congress established the National Park Foundation. The purpose of the foundation is to raise funds for the benefit of the National Park Service. Funds received from individuals, corporations, and foundations are distributed to individual parks through competitive grants. S. 1290 is modeled after the 1967 Act.

I believe that an American Indian Education Foundation could be just as successful as the National Park Foundation.

I want to emphasize that I believe that Congress has a Federal trust responsibility to ensure that every Native American receives a decent education. This foundation would not replace that responsibility, but would support it through grants designed to support educational, cultural and academic programs.

Mr. Chairman, this concludes my remarks on creating an American Indian Education Foundation. Thank you.

PREPARED STATEMENT OF MICHAEL J. ANDERSON, DEPUTY ASSISTANT SECRETARY FOR INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

Good morning, Mr. Chairman and members of the committee. I am pleased to be here to request your approval of the administration's proposed American Indian Education Foundation Act of 1999 sponsored by Senator Inouye and other members of this committee. The First Lady spoke on behalf of this worthwhile initiative at the ceremony she hosted announcing the design of the Sacajawea dollar coin and to celebrate the contributions of American Indian and Alaska Native women, just 1 day after our legislative proposal was submitted to the Congress.

The purpose of the American Indian Education Foundation is to encourage gifts of real and personal property and income for the support of the mission of the Bureau of Indian Affairs [BIA], Office of Indian Education Programs, as well as to benefit American Indian and Alaska Native children enrolled in elementary and secondary schools. Congress has authorized similar foundations in the past to benefit other activities within the Department of the Interior [Department] such as the National Park Foundation and the Fish and Wildlife Foundation. Congress has also passed legislation creating foundations in the Department of Agriculture.

Let me begin by outlining what the Department believes to be the principal reasons why an American Indian Education Foundation is needed.

First, while Congress and the administration have worked together over the past few years to strengthen Indian Education, Indian schools still have numerous needs that can never be met through Federal funds alone. As an example, teachers serving in Indian schools are not fully prepared to meet the needs of students who will be entering the technological workforce of the 21st century. While Federal funds support curriculum development and on-going school operations, there is little to no funding available to cover the costs of training teachers in using the technology that will soon be coming into the schools, through the BIA's Access Native America program. Funds raised by the American Indian Education Foundation could be used to pay for teacher training programs at our schools.

Another example is the tremendous need for Family Literacy Programs in Indian communities. It has been established through numerous studies that early childhood and family literacy programs, such as our Family and Child Education [FACE] program, work.

While the BIA has been able to support 22 of these programs, which annually serve over 1,600 families and children, and family literacy programs in other agencies also provide support for BIA-connected programs, there is a need to have these programs in all communities. The proposed foundation could support these activities.

Second, there is substantial private interest in supporting Indian education activities, but, up until now, there has been no national organization formed to support the BIA's educational activities. In the past, individuals have donated funds for Indian education that are invested by the Office of Trust Funds Management. These funds amount to more than $900,000 and are used to fund activities according to the donor's wishes. Other groups, companies, and individuals have approached the BIA wanting to make donations for specific projects or activities at our schools. The proposed foundation would facilitate such contributions. Once the foundation is recognized by the Internal Revenue Service as a tax-exempt charity, contributions to the foundation would be tax-deductible.

Third, a National nonprofit foundation whose sole purpose is to raise funds for American Indians at the elementary and secondary education level does not currently exist. I'm sure that a number of foundations have come to mind, including the American Indian Scholarship [AIS] Foundation, which exists to support students enrolled in colleges and universities. Some local schools or tribes have their own local nonprofits to solicit bequests and gifts for their own individual members, but there is no nationwide foundation to support the K–12 education of American Indian students. To their credit, local community businesses often do provide support to schools, donating food for bingo fundraising events or buying yearbook ads, but their capacity for giving is limited by their geographic isolation. A small trading post on an Indian reservation can only give so much. The American Indian Education Foundation could solicit far larger donations through its national mission.

The BIA has worked hard over the past years to bring corporations and schools together in joint partnerships. The Microsoft Corporation has supplied equipment and software to the 19 schools involved in the Four Directions Project, one of the first technology innovation challenge grants funded by the Department of Education. In 1997, the Four Directions Project received the prestigious Government Technology Leadership Award for its innovation in bringing together partners that provide teacher training in a distributed computer environment. The Intel Corporation has supported technology initiatives at the Santa Fe Indian School, providing equipment, teacher training, and student training on how to refurbish old computers. These contributions alone exceed $2 million. The Office of Indian Education Programs is currently working with Tech Corps on a pilot project supported by Compaq to provide online technical support to schools over the Internet. The project connects experienced network administrators from the private sector with inexperienced and, in some cases, untrained school network administrators over the Internet to help them solve technical problems in their school buildings. This will provide the schools with some of the help they need to make their school networks a success.

There is so much that can be done by the creation of partnerships with industry. A foundation would be a viable entity to actively seek support on behalf of Indian children.

Next, let me address how the American Indian Education Foundation will be organized. An 11-member board of directors will govern the American Indian Education Foundation. The Secretary of the Interior and the Assistant Secretary for Indian Affairs will be *ex officio* non-voting members. Within 6 months of enactment of the legislation, the Secretary of the Interior will appoint nine additional directors to serve on the board without compensation. The members of the board will be chosen based on their knowledge of Indian education and their diverse points of view. Members will be appointed for staggered terms. The board of directors will adopt a constitution and by-laws and be governed under the laws for nonprofit corporations in the District of Columbia. The board of directors will also be responsible for hiring the American Indian Education Foundation chairman.

The American Indian Education Foundation will operate similarly to the National Park Foundation. It will operate separately from the Department of the Interior and the BIA. The proposed legislation authorizes the American Indian Education Foundation to receive some administrative support from the Department of the Interior during its initial 5 years of operation but does not request additional dollars. It is anticipated that the American Indian Education Foundation will be self-supporting after this 5-year period.

In closing, Mr. Chairman, I thank you for the opportunity to express the administration's support for this legislation and encourage your positive consideration. The education of Indian children is one of the highest priorities of the Department, and we must all work together to ensure that no stone is left unturned to gather resources to ensure that the American Indian and Alaska Native children have the very best educational opportunities these United States can provide.

I will be happy to answer any questions you may have.

PREPARED STATEMENT OF JOHN W. CHEEK, EXECUTIVE DIRECTOR, NATIONAL INDIAN EDUCATION ASSOCIATION

Mr. Chairman and Members of the Committee:

The National Indian Education Association [NIEA], would like to thank the Committee on Indian Affairs for the opportunity to present comment on the proposed American Indian Education Foundation proposal. NIEA is the largest and oldest national non-profit organization representing the education concerns of over 3,000 American Indian and Alaska Native educators, school administrators, teachers, parents, and students. This year NIEA celebrates its 30th anniversary as a national advocate on behalf of Indian people. NIEA has an elected board of 12 members who represent various Indian education programs and tribal constituencies from throughout the Nation.

We are here today to present our comments on proposed legislation to establish an Indian education foundation. The purpose of the foundation would be to allow the Bureau of Indian Affairs [BIA], through a non-profit foundation, to accept private gifts of real and personal property or any income therefrom for the benefit of the education of American Indian students. The National Indian Education Association fully supports such an endeavor on behalf of Indian students attending BIA, tribal and public schools. Our understanding is that the Indian education foundation proposal is modeled after the National Park Foundation which was founded in 1967. Other such foundations authorized by Congress include the National Fish and Wildlife Foundation in the Department of Interior and the National Forest Foundation in the Department of Agriculture.

The BIA, as a Federal agency, prevents it from accepting gifts of any type from prospective donors. There have been instances, however, where bequeaths and other donations of money have been accepted on behalf of the agency and invested by the Office of Trust Funds Management within Interior. The amount that has been collected and invested to date is approximately $900,000. The activities of the American Indian Foundation would be similar to those that support public school districts throughout the Nation. The foundation would be responsible for raising funds to support its activities as well as ensure donated or bequeathed funds are securely invested and managed. The foundation will be responsible for funding projects that enhance the education of American Indians. The income derived from the foundation will be used to support the educational opportunities of American Indians.

NIEA feels the development of such a foundation is both timely and critical to sustain educational efforts within the Office of Indian Education Programs. In light of the ever-decreasing appropriations over the past several years and the increasing student count in bureau-operated and tribal schools, it is extremely important that other avenues be searched in helping Indian students reach their potential. Clearly the Federal Government has taken a less than enthusiastic approach in meeting its responsibilities for educating American Indian students. Witness the failure of the Congress to assume fiscal responsibility for maintaining Indian schools which are in such disrepair that $1 billion would only clear the backlog. Likewise, the trend to move control of Federal education services to the local level also draws in Indian education programs which inadvertently causes Indian communities to lose control over their children's education as they are absorbed by national initiatives. A foundation with a focus on enhancing the goals of Indian education would be well worth the initial outlays that may be required of the Interior Department and the Congress.

The proposed American Indian Foundation would be governed by at least an 11-member board of directors responsible for ensuring the goals of the entity are met. The foundation would determine how the members are selected, but two of the members would include the Secretary of the Interior and the Assistant Secretary for Indian Affairs. The visibility provided by having these individuals on the board would increase the marketability of the foundation while it seeks financial support. Due to its national exposure, NIEA would recommend being allowed to forward suggestions for possible board members to the foundation once it is established.

In developing this testimony, NIEA looked at the national role of giving as reported in the draft 1998 report by the National Committee for Responsive Philanthropy [NCRP]. From their 1995 review of the 72,000 grants awarded by 124 corporations, 10,905 [10 percent] were awarded to African Americans, Asian Pacific Americans, Hispanics/Latinos, and Native Americans. Of the $1.3 trillion the surveyed corporations distributed, $179.5 million [14 percent] went to racial/ethnic communities. Native Americans benefited from $3.8 million in donations or 2 percent of the amount received by all racial/ethnic communities. Of the 11,000 grants distributed through all corporate giving in 1995, 275 went to Native Americans. The report goes on to say:

"Apparently, none of the 72,510 surveyed corporate grants were awarded to Native American veterans, people with AIDS or prisoners, and a total of just 14 grants were awarded for Native American women, aging/elderly, victims of abuse/violence and people with disabilities. Eighty-five grants [totaling $1,141,630] were intended to benefit economically disadvantaged Native Americans, but only five of these [totaling $73,900] were intended for hungry and homeless people, Just 18 percent [$675,655] of all Native American funding [compared to 29 percent overall] was awarded for Native American children/youth programs.

The NCRP report should not be viewed as a dire predictor of what to expect once the foundation becomes a reality, but should provide a basis for directing the activities of the board of directors as they search for non-Federal support. The report, while a valuable indicator of the corporate incidence of giving, does not provide information on other sources of funding such as private family, and independent foundations. The Foundation Center, for example, reported in 1983 that grant making foundations held combined assets of $67.8 billion and awarded grants totaling nearly $4.5 billion. In less than a decade, funding from large private foundations for Native American programs grew by 608 percent from $10.7 million in 1988 to $65 million in 1996. In addition, the AAFRC Trust for Philanthropy, in its 1998 edition of Giving USA, estimates that corporations and their foundations contributed an estimated $8.2 billion in 1997, 5.7 percent of total giving.

NIEA realizes that during the first 5 years of the enactment of the proposed legislation, the Department of the Interior will provide administrative support to ensure the foundation grows to a self-sustaining entity. There is also a provision to allow for continued support beyond the 5-year period should it be needed. NIEA feels that this is a viable provision that may be needed should there be any unforeseen circumstances that arise during the initial phase-in period. With the current Trust Funds Management legal problems, we feel the institution of this foundation would go far to alleviate the concerns of the general public and American Indians who may have interests in the program.

From the brief reviews we have had of the foundation proposal, we are concerned with a few issues that could arise should the legislation be enacted. Some of these include:

How would an Indian individual who desires to donate trust land to the foundation accomplish this?

How would grants distributed by the foundation be guaranteed to not result in lower levels of funding for current and future education programs within OIEP? *NIEA's concern here is that like the situation with Indian gaming and the means testing proposal, Federal funds should not be withheld from Indian tribes simply because they [or the American Indian Education Foundation] generate income from a gaming or other for-profit or non-profit enterprise.*

We have heard that the foundation may be expanded to include Department of Education representation such as cochairs from each agency and Alaska schools. How would this be accomplished?

The proposal is designed for K–12 initiatives only, but the programs administered through the Office of Indian Education Programs include postsecondary programs as well. Could the program be expanded to include postsecondary and adult literacy activities?

In closing, the National Indian Education Association would like to thank the committee for providing the opportunity to comment on this important venture. Any initiative that provides expanded opportunities for all education levels of American Indians and Alaska Natives are welcome by this organization and Indian country. We encourage the committee to vote favorably on this initiative as a relatively low cost investment that has great potential for Indian people and the Department of the Interior. We would be happy to answer any questions the committee may have.

PREPARED STATEMENT OF THE NAVAJO AREA SCHOOL BOARD ASSOCIATION

The Navajo Area School Board Association [NASBA] is strongly supportive of the effort to create an American Indian Education Foundation within the auspices of the Department of the Interior. We applaud those who have initiated it and pledge to work with those who are implementing it.

The record will show that Indian projects do not receive anywhere near a proportionate share of philanthropy funding in this country. There are several reasons for this; including the following:

No. 1, a lack of familiarity among funders with Indian country.

No. 2, a lack of understanding among Indian people of private philanthropy.

No. 3, a general misconception that the Federal Government provides sufficient funding to address all the needs of Indian people.

No. 4, no simple way for potential funders to satisfy themselves that a given entity is a valid group that will do what it says it will do.

No. 5, Indian country is generally remote from parts of the country where private foundations are located and often limit their giving to their own part of the country.

The neediest groups do not receive funding. A handful of BIA funded schools have managed to position themselves well to attract funding, but for the most part, BIA funded schools have remained beyond the reach of private funders. This is most true of BIA operated schools who continue to be viewed as solely a Federal responsibility. We are not aware of a single instance where a BIA operated school received funding from a private foundation.

The needs of students, both academic and social, at our Navajo BIA funded schools are very real. The BIA schools are funded at a level sufficient to meet minimum program standards, but rarely to provide much beyond that. The technology infrastructure at our schools lags far behind the situation nationally. The boarding schools must take care of children 24 hours a day in facilities which are often poorly suited for such programs.

Most of the BIA school facilities are in very poor shape. Following years of neglect and lip service, there is now an estimated $1 billion backlog of repairs in BIA school facilities. Staff at these schools are constantly "making do" with substandard conditions. While it is unlikely that private funders will fund many construction projects, they could assist schools with enhancing the programs they operate to better "make do" with the facilities that exist.

There has reportedly been a significant increase in the dollars available through private sources due to favorable economic conditions in the country.

The Role of the Foundation

We can imagine that an American Indian Education Foundation located within the Department of the Interior could do several things, including the following:

No. 1, it could provide information to funders concerning the needs of the students and schools in Indian country.

No. 2, it could provide information to foundations concerning groups that were submitting proposals directly to funders, to verify the background and "track record" of the applicant.

No. 3, it could solicit and receive contributions directly and provide funding where funding was most needed.

PREPARED STATEMENT OF HON. KENT CONRAD, U.S. SENATOR FROM NORTH DAKOTA

Mr. Chairman, I am pleased to be a cosponsor of S. 1290, which establishes the American Indian Education Foundation. I firmly believe more aggressive action must be taken to improve the physical condition of schools serving Indian children. Because many Indian reservations are in remote areas—especially those on the Great Plains—I think many people do not fully understand the extent of school infrastructure problems. Most people in this country do not realize the conditions at the schools we are asking Indian parents to send their children to parents every day.

The Bureau of Indian Affairs [BIA] school construction backlog is nearly $800 million, and some estimate that when a new survey of needs is completed, that backlog will rise to more than $1 billion.

Indian children face some of the most deplorable school conditions in our country: Inadequate heating and cooling systems, dilapidated roofs, and drastic overcrowding. In North Dakota, I have visited schools without walls, poor plumbing systems, and trailers that force children to move between classes in sub-zero temperatures.

The American Indian Education Foundation will help solicit and distribute funding to support the mission of the Office of Indian Education Programs within the Bureau of Indian Affairs. The foundation will make financial awards to BIA-funded schools, Federal, State, and tribal governments, agencies, entities, and individuals, as determined by a Board of Directors.

We need a massive infusion of Federal assistance into Indian country to fix the schools and ensure that Indian children can be educated in safe environments that allow them the opportunity to learn. I believe that people nationwide want to help; they want to provide assistance to improve the condition of these schools. The American Indian Education Foundation will give us an important mechanism to help address this very serious problem in Indian country.

Finally, Mr. Chairman, I would like to thank my friend, Dr. Carty Monette, of the Turtle Mountain Community College, for being here today to present the views of the American Indian Higher Education Consortium. As the immediate past-president of AIREC, he has been a superb advocate for tribal colleges in North Dakota and nationwide.

Tribal colleges are tremendous educational resources in Indian country, and their partnerships with pre-elementary, elementary, and secondary education institutions and programs provide a solid foundation for life-long learning and community support for education. When the American Indian Education Foundation provides support for elementary and secondary education, it should take into consideration the valuable work being done at tribal colleges and their partnerships to help further education for students of all ages.

AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM

Statement of the American Indian Higher Education Consortium
Presented by Dr. Gerald "Carty" Monette, AIHEC Executive Committee Member
and
President, Turtle Mountain Community College, Belcourt, North Dakota
Presented to the United States Senate Committee on Indian Affairs
July 1, 1999

Chairman Campbell, Vice Chairman Inouye, Members of the Committee and staff, on behalf of this nation's 31 Tribal Colleges, which comprise the American Indian Higher Education Consortium (AIHEC), thank you for the opportunity to share our recommendations regarding the legislation to establish an American Indian Education Foundation introduced by the Vice Chair of this Committee, Senator Inouye. My name is Carty Monette, and I am president of Turtle Mountain Community College on the Turtle Mountain Reservation in Belcourt, North Dakota, and I have been a leader in the Tribal College Movement since 1972.

As you know, the Tribal College Movement began more than 30 years ago for a very simple reason: to open the doors to higher education opportunities to under-served American Indian people living on highly isolated and economically depressed reservations. Over the past three decades, tribal leaders realized that only through local, culturally relevant, and holistic methods could many American Indians succeed in higher education. The financial and psychological costs of sending students from their reservations to colleges that did not understand and were not prepared to meet the basic needs of American Indian students were too high. The Tribal Colleges now serve more than 25,000 students each year, offering primarily two-year degrees, with four colleges offering four-year and two that offer graduate degrees. Together, we are proud to say that we represent the most significant and successful development in American Indian education history, promoting achievement among students who would otherwise never know educational success.

The Tribal College relationship with the Bureau of Indian Affairs was formalized in 1978, with the passage of the Tribally Controlled College or University Assistance Act. However, this relationship has not always been a solid one; notwithstanding our Act's placement within BIA, the Bureau rarely advocates on behalf of the Tribal Colleges and Universities. We are concerned that the Bureau did not consult with us as the concept for this Foundation was developed, despite our long history of advancing educational progress and providing community services to American Indians of all ages. We believe that this legislation– to establish a foundation to encourage, process and distribute gifts of real and personal property and income in support of the education goals of the BIA's Office of Indian Education Programs (OIEP) – should carefully be examined and expanded upon to include Tribal Colleges and Universities and to support the strengthening and expansion of the important education and family support efforts already in place at our institutions.

In addition, we hope that BIA involves the White House Initiative on Tribal Colleges and Universities in future planning for the Foundation. One of the primary goals of the Initiative, created through Executive Order 13021, is to encourage innovative linkages between the tribal colleges, early childhood programs and elementary and high schools. Such involvement on the part of the White House Initiative would also ensure that another key component for the Tribal College Executive Order is met, which is to help ensure, through coordinated public-private efforts, that greater federal and private sector resources are available to the Tribal Colleges on an ongoing basis.

Recognizing Our Contributions/Best Practices

The Tribal Colleges have made enormous contributions to their communities and to Indian Country in general, and we believe these contributions could help in determining best practices and focused need areas for the proposed Foundation's support. Three specific concepts are important to learn from and include:

Supporting Life-Long Learning. Current education reforms have focused on the integration of all levels of education, by building bridges between early childhood education, elementary/secondary schools and post-secondary institutions. In many of these reform efforts, communities and schools work with nearby higher education institutions to develop a "seamless web" that serves overall educational needs. Therefore, while the Tribal Colleges support the development of the proposed American Indian Education Foundation, our member institutions are concerned that the projects to be funded may not support this integrative approach. Although not specifically stated in the legislation, BIA officials indicate that the Foundation will support various education projects from early childhood through high school. Yet our experience shows a dramatic need to support integrated approaches such as providing adult basic education to parents, while offering child care and educational services to their children.

Long ago, officials at Tribal Colleges and Universities realized the need to develop preschool programs and outreach to K-12 school systems. Some of these efforts include the creation of child care programs, teacher training programs including training for Head Start instructors, the development of culturally specific curriculum, pre-college preparatory programs, and the establishment of school-to-work programs.

Tribal Colleges and Universities have had a dramatic impact on the present generation of American Indians, drawing entire families into college attendance, often despite a history of high educational failure at both the elementary and secondary level. Many of our students reach our doors with reading and math skills at the ninth-or tenth-grade level, indicating deficiencies in their prior school experiences. A recent editorial in the *Tribal College Journal* asked, "Why would the tribal colleges direct their resources at younger students when they are chronically underfunded for their college programs? These are their children and grandchildren, their communities, their future, and they are in serious trouble." The legislation suggests that the Foundation will support efforts "to undertake and conduct such other activities as will further the educational opportunities of present and future generations of American Indians." The Tribal Colleges have model outreach programs already in place – yet our chronic underfunding threatens these programs. Expansion of the eligible institutions that may access the Foundations' funds to include the Tribal Colleges and Universities makes good sense, as indicated by the following examples of our partnerships with elementary and secondary schools.

An example is the "Making Reading Meaningful and Memorable (M&M) Club" at Sitting Bull College, in Fort Yates, ND, is an afterschool reading program for first graders on the Standing Rock Reservation. Created by the Elementary Education Department at SBC in response to the U.S. Department of Education's America Reads Challenge, the M&M Club meets three days a week, after school. Ellen Murphy, an Elementary/Special Education instructor at SBC explained, "Parental participation provides the opportunity for parents to learn how to help their child enjoy reading." Parents are required to actively participate with their child in a minimum of three sessions during the semester, but they are strongly encouraged to meet with the club on a regular basis.

Another exemplary program of Tribal College outreach efforts to elementary and secondary school children and their families is the Tribal College Rural Systemic Initiative (TCRSI). Supported through the National Science Foundation and administered by my institution, Turtle Mountain Community College, TCRSI supports more than 100 schools (K-14) in a six-state region among 20 Indian nations. Each nation is promoting science, mathematics, and technology (SMT) using its Tribal College and three school districts, implementing systemic initiatives that are changing the way SMT is being taught. This far-reaching, forward thinking program prepares young American Indian students for tomorrow's science, mathematics and technology challenges. This program recognizes the need for advanced study in SMT in a wide range of professions needed in our communities -- teachers, doctors, nurses, pharmacists, bookkeepers, accountants, natural resource managers, and computer programmers. Priscilla Fairbanks of the Leech Lake Rural Systemic Initiative in Minnesota captured the true essence of this program when she said, "The philosophy is that if the significance of cultural values is emphasized within the initial course, then the students will learn how to apply this way of thinking for themselves in other classes and within life in general." This initiative has been underway for a brief period of time, but data gathered and evaluations show significant change at all levels of learning and applications.

Family Support Services. Many Tribal College students have attempted college-level study at mainstream institutions and experienced intense frustration and isolation. Tribal Colleges succeed with these same students because they recognize the importance of individualized attention and they have learned that family support services are integral to the success of their students' progress and success. Our colleges know the importance of viewing a student within his or her cultural and familial and community context. By their nature, our family support services and programs reach beyond the college student to impact the next generation. Efforts like these must be given more support by the federal and private sectors. For example, more than one-third of the Tribal Colleges provide on-site day care or preschool programs. Some highly successful examples of Tribal College programs include:

Partnerships with Early Head Start programs, such as the one at Cankdeska Cikana Community College in Spirit Lake, ND, which targets children between six weeks and three years old, providing them with nutritional and educational services. The program promotes family members pursuing higher education or developing careers, and many of the parents decide to attend the tribal college after their children are enrolled in the program. These new students say the availability of day care allows them to enroll in the college. More than half of the parents who participated in the program in the last five years have graduated from the tribal college, completed vocational training and/or transferred to four-year institutions.

To help communities throughout North Dakota deal more effectively with troubled youth, United Tribes Technical College's Sacred Child program uses an innovative "wrap-around intervention" process, which is centered on the strengths of the child and family. The agencies collaborate with the family to meet the needs of the child, utilizing both the formal and informal support provided by trusted people within the extended family and community. The program is designed to keep children in their families and communities whenever possible, instead of having them sent away to Youth Correction Centers, the North Dakota State Hospital and foster care. Although Indian children compose only seven percent of the children in the state of North Dakota, they represent over 33 percent of the children in foster care, the State Hospital, and the youth Correctional Center. This program is funded by the Center for Mental Health Services within the U.S. Department of Health and Human Services, and it is one of only three Native programs funded for this purpose in the nation.

Focusing on Whole Communities. Most Tribal Colleges are located on extremely remote reservations in isolated communities that lack the wide array of public services available in communities supported by strong state and local governments with access to stable tax support systems. Because they are true "community" colleges, Tribal Colleges offer a wide range of community services and serve as community focal points for all types of education, job training, child care, family and community support services. We serve as community centers, providing libraries, tribal archives, career centers, economic development centers, and public meeting places. In addition, other programs and services are designed so that children learn from their elders and entire families can participate in projects.

One avenue that has allowed Tribal Colleges to bolster "whole community" programs is the extension and equity grant program available to our institutions, after we achieved Federal Land-Grant Status in 1994. Many Tribal Colleges have used modest funding to develop innovative approaches, such as the "Cultivating Generations" project at Cheyenne River Community College in Eagle Butte, SD. A partnership with South Dakota State University Cooperative Extension Service, this project strengthens the college's ability to more effectively serve the Cheyenne River Reservation by managing and promoting community gardening and increasing economic activity related to horticultural products. Programs such as "Cultivating Generations" bring children in close contact with the elders of their communities in a manner that fosters learning from and about the generation that came before. It helps restore respect and appreciation for what elders have done in their lives and allows them a forum to pass their experience to the next generation of potential leaders.

Challenges to the Continued Success of Tribal Colleges and Universities.

Our colleges have succeeded in the face of tremendous hardship and within the context of extreme social and economic challenges, such as chronic underfunding, expanding enrollments, welfare reform, poor social conditions, and striving to serve students with low literacy levels. These are challenges that need to be further supported by the private sector. *Another important factor is that virtually no funding is available for Adult Education.*

Limited Operational Funds and Expanding Enrollments. Tribal Colleges are committed to providing post-secondary access regardless of students' academic preparation level, yet we realize that it will become increasingly more difficult to do so in the years ahead, given that federal funding resources are not growing.

Enrollment at the Tribal Colleges is growing at an average rate of eight percent. We believe you can appreciate the impact this level of growth would have on any institution. The impact is even more dramatic on a Tribal College, because our core funding -- which Congress has not sufficiently increased in the past several years – in effect decreases as student population grows. Despite a $1.4 million increase in appropriations in FY99 under the Tribally Controlled College or University Assistance Act, funding to the colleges actually decreased from FY98 levels by $53 per Indian student – dropping from $3,017 to $2,964 per Indian student. This level is dramatically less than the average per student revenue of mainstream two-year institutions and it is also far below the authorized level of funding, which is $6,000 per Indian student. If the FY99 level were to be maintained in the FY00 appropriations cycle, the colleges can expect to lose $220 per Indian student, bring our per student allocation to devastating level.

Essentially, we must serve more and more students with a very limited amount of money. Many of the types of programs that the American Indian Education Foundation is expected to support currently exist at the TCUs, yet due to limited funding, these programs are in jeopardy of being cancelled. It seems a most reasonable and efficient solution to expand the eligibility criterion within the legislation to include some of the important approaches Tribal Colleges have worked so hard to develop.

The Impact of Isolation and Welfare Reform. As a result of welfare reform legislation, we expect that more and more welfare recipients will turn to Tribal Colleges for training and employment opportunities. We are currently undertaking a study to determine the extent to which our enrollment increases can be directly attributed to welfare reform. Over the next several years, we expect the demand for basic education and training services to increase dramatically.

In the isolated Indian communities we serve, current welfare recipients simply have no other place to turn. They must look to the local Tribal College for vitally needed -- and *required* -- education and job training. Where else are they to turn, many of whom have young children at home, going to turn to learn a productive skill, or earn a GED, or even learn to read? Job training and access to higher education is severely limited. There simply are no mainstream institutions. There are no private colleges or universities. There is no other place, but the Tribal College.

The latest welfare reform legislation requires persons receiving Federal assistance to become prepared for and find employment, or they will lose assistance under the new Temporary Assistance for Needy Families program. What does this mean for Tribal Colleges? Fort Peck Community College, in Poplar, Montana, currently has an enrollment of about 360 students, of which 21 percent are non-Indian. When the first group of welfare recipients enrolled in Fort Peck Community College in February 1997, less than 10 percent had high school diplomas. The basic literacy skills of many others were questionable. How are these individuals, who are willing and attempting to learn, going to become prepared for employment in less than two years? Who will bear the costs? Department of Interior core operational funding for Tribal Colleges is based on the number of American Indian students *who meet certain basic literacy criteria.* We do not receive operational funding for non-Indians or for basic and remedial adult education and GED programs. Including literacy and adult basic educational programs in the scope of the proposed Foundation's goals would serve two purposes. First, funds available through the American Indian Education Foundation for basic educational services could help those adults who were not well served by the K-12 educational experience of their youth; and, second, many of these adults now seeking help to acquire basis skills are parents and their children need to see the value of getting an education NOW.

Literacy and Low Educational Attainment Rates. Despite significant improvements in the last 25 years, national statistics show that Indian students continue to suffer from low expectations, high drop-out rates, and low academic achievement. Statistically, Indian students come in last in almost every area. For example, 30 percent of the eighth grade American Indian students dropped out by the end of their senior year in a study published in 1998 by the U.S. Department of Education's National Center for Education Statistics. (This compared with a dropout rate of 11 percent for the total 19,000 students sampled in this study.) The current educational system often fails to prepare students for being good citizens of their tribe and the nation.

"The tribal colleges invest valuable resources in cleaning up after the shortcomings of the existing K-12 schools by providing high school graduate equivalency training, remedial classes, and sometimes by providing alternative schools," a recent *Tribal College Journal* editorial noted. Tribal Colleges and Universities provide these programs and services– in addition to the same academic, vocational, and technical programs found at mainstream institutions -- yet most of the colleges receive little if any funding for such programs. Several Tribal Colleges report that GED students represent one-third or more of the students they are serving. We provide these services because our mission requires us to help move American Indian people toward self-sufficiency and help make American Indians productive, tax-paying members of American society. Parents cannot help their children learn to read if they cannot read themselves. Children learn by example. When a child sees his or her parent learning to read or trying to better their life and the lives of their family though education, such as studying for attain their GED, they see a value put on education. A parent doing homework at the kitchen table may find that before long their children are joining them to do their own schoolwork. Striving for educational excellence and self-sufficiency becomes a "family affair."

Another issue that needs to be further explored is how will this new Foundation impact existing organizations that were established in the interest and promotion of Indian Education. When a question surfaced in the discussion surrounding this newly proposed American Indian Education Foundation as to whether it would serve postsecondary students, BIA officials answered that since postsecondary students are currently served by the American Indian College Fund, the new Foundation would focus on American Indian children and their families from birth through age 18. We want to clarify that this assumption is not correct -- the American Indian College Fund's mission is to provide scholarships for students attending any of the 30 eligible member institutions of the American Indian Higher Education Consortium. And due to limited funds, the College Fund estimates that these scholarships typically reach only 15 percent of the 25,000 students at our colleges. Therefore, we are concerned that the Foundation proposal could potentially impact Tribal Colleges in two ways: (1) with its restrictions against supporting postsecondary students, it will not provide much-needed support for the American Indian students at Tribal Colleges; and (2) the Foundation may lead to indirect competition for potential donors.

Recommendations

Given the above considerations, we believe the proposed concept and legislation should take the following into consideration, as next steps are determined:

(1) The American Indian Education Foundation should support lifelong learning projects.

(2) If the Foundation's programs remain focused on the elementary and secondary levels, the Board should consider funding only those projects that are linked to standards or school improvement and also funded partnerships with post-secondary and Pre-K.

(3) Congress should ensure that it secures adequate input from the affected communities, such as school district officials and Indian educators, tribal governments, and Tribal College officials.

(4) In addition, Congress should consider the potential impact the Foundation's creation might have on other Indian organizations and/or foundations.

(5) Employ the Executive Order on Tribal Colleges and Universities (13021) to leverage public/private partnerships though the White House Initiative on Tribal Colleges and Universities (WHITCU) Office and the American Indian Higher Education Consortium.

On behalf of all the AIHEC member institutions, thank you for the opportunity to testify before you today. We appreciate your Committee's long-standing support of Tribal Colleges, and we look forward to continuing to work with you to bring better education opportunities to all American Indian students of all ages.

An Introduction

Prepared by:
American Indian Higher Education Consortium
The Institute for Higher Education Policy

A Product of the Tribal College Research and Database Initiative,
a collaborative effort between the American Indian Higher Education Consortium
and the American Indian College Fund.

WHAT ARE TRIBAL COLLEGES?

Tribal Colleges were created over the last 30 years in response to the higher education needs of American Indians, and generally serve geographically isolated populations that have no other means of accessing education beyond the high school level. They have become increasingly essential to educational opportunity for American Indian students, a status they have achieved in a relatively brief period of time. Tribal Colleges are unique institutions that combine personal attention with cultural relevance, in such a way as to encourage American Indians—especially those living on reservations—to overcome the barriers in higher education.

This report highlights various aspects of both the institutions and their students, including enrollment, financing, curricula, and the challenges they face. It uses the most recent data available to describe the current status and historical trends.

The Socioeconomic Context

An understanding of Tribal Colleges begins within the context of the socioeconomic circumstances of American Indians:

- The reservations on which most Tribal Colleges are located face high unemployment rates—up to 70 percent on the Cheyenne River reservation, which is home to Cheyenne River Community College—and low per capita income levels (American Indian College Fund, 1996). Income disparities between American Indians and the general U.S. population are wide.

- In addition, educational attainment for American Indians is lower than in the general population. Overall, 65 percent of American Indians and Alaskan Natives 25 years and older were high school graduates in 1990, compared to 75 percent of the total U.S. population (Pavel et al., 1995). High school completion rates are even lower for American Indians living on reservations; in the Navajo Nation, for example, only 41 percent are high school graduates (EDA, 1996).

In addition to these economic and educational hurdles, there are many social barriers to American Indians' postsecondary success. The suicide rate for American Indians is more than twice that of other racial/ethnic minority groups, the death rate from alcohol-related causes is very high, and the large number of single-parent households continues to increase. Cultural and language differences often present difficulties to students (Pavel et al., 1995), and the geographic isolation of most reservations often inhibits student access to or persistence in mainstream colleges.

As a result of all these obstacles, American Indian participation in postsecondary education and degree attainment is low. In 1995, American Indians accounted for approximately 130,000 students, or less than 1 percent of all students in higher education. The majority of those enrolled attended two-year institutions rather than four-year schools. Despite progress in recent years, American Indians earned less than 1 percent of all the associate's, bachelor's, and advanced degrees conferred in 1994. In 1995, the graduation rate for American Indians at a group of more than 300 colleges and universities was only 37 percent, the lowest among major ethnic minority groups (Carter and Wilson, 1997). American Indians living on reservations may be only half as likely as their white counterparts to persist and attain a degree (Pavel et al., 1995). College participation, retention, and degree completion therefore remain critical issues.

Meanwhile, American Indian populations have become increasingly younger. According to 1990 Census data, 40 percent of American Indians and Alaskan Natives were under 20 years of age, compared to 28 percent of the total population (Pavel et al., 1995). Given this trend, quality higher education that is effective for American Indian students is essential for the future.

The Tribal College Movement

The history of American Indian higher education over the last several hundred years is one of compulsory Western methods of learning, recurring attempts to eradicate tribal culture, and high dropout rates by American Indian students at mainstream institutions. In reaction to this history, American Indian leaders built on the success of the "self-determination" movement of the 1960s to rethink tribal higher education. These leaders recognized the growing importance of postsecondary education, and became convinced that it could strengthen reservations and tribal culture without assimilation (Boyer, 1997). In 1968 the Navajo Nation created the first tribally controlled college—now called Diné College—and other Tribal Colleges quickly followed in California, North Dakota, and South Dakota. Today, there are 28 tribally chartered colleges and three federally chartered Indian colleges in a total of 12 states.[1] The tribally controlled institutions were chartered by one or more tribes and are locally managed, while the federally chartered institutions are governed by national boards.

Collectively called "Tribal Colleges," these institutions are in varying stages of development, and differ in their structures, sizes, and other characteristics. Nevertheless, they share some basic commonalities (O'Brien, 1992; Boyer, 1997; Pavel et al., 1995):

- most are less than 25 years old;
- most have relatively small student bodies that are predominantly American Indian;
- most are located on remote reservations, with limited access to other colleges;
- most were chartered by one or more tribes, but maintain their distance from tribal governments;
- all have open admissions policies; and
- all began as two-year institutions.

In addition, all Tribal Colleges are fully accredited by regional accrediting agencies, with the exception of three colleges that are candidates for accreditation. All of the colleges offer associate's degrees and virtually all offer certificates or degrees for programs of less than two years. Furthermore, four colleges offer bachelor's degrees and two offer master's degrees. Because most of the students are commuters and facilities are limited, only eight colleges provide housing, and just six provide board or meal plans.[2]

In many ways, Tribal Colleges are similar to mainstream community colleges. However, the trait that distinguishes them from other community colleges is their dual mission: 1) to rebuild, reinforce and explore traditional tribal cultures, using uniquely designed curricula and institutional settings; and at the same time 2) to address Western models of learning by providing traditional disciplin-

The American Indian Higher Education Consortium (AIHEC)

The American Indian Higher Education Consortium (AIHEC) is a unique—and uniquely American Indian—organization. It was founded in 1972 by the presidents of the nation's first six Tribal Colleges, as an informal collaboration among member colleges. Today, AIHEC has grown to represent 31 colleges in the United States and one Canadian institution. Unlike most professional associations, it is governed jointly by each member institution.

AIHEC's mission is to support the work of these colleges and the national movement for tribal self-determination. Its mission statement, adopted in 1973 and amended in 1984, identifies the following objectives: maintain commonly held standards of quality in American Indian education; assure participation in the foundation and administration of educational legislation, policy, rules, regulations, and budgets; assist Tribal Colleges in establishing a secure financial base; and encourage greater participation by American Indians in the development of higher education policy.

ary courses that are transferrable to four-year institutions (Tierney, 1992).

Another important asset of Tribal Colleges is their ability to provide personalized attention to their students, in order to overcome the economic and social barriers to postsecondary success they face (Federico Cunningham and Parker, 1998). Tribal Colleges are committed to fostering a family-like atmosphere and strong personal relationships between students and faculty (Tierney, 1992).

In another outgrowth of service to their communities, Congress recently designated Tribal Colleges as land-grant institutions, in recognition of the essential ties between the colleges, tribal lands, and local economic development.

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[1] There is also one Canadian institution that is a member of AIHEC.

[2] White Earth Tribal and Community College and Little Priest Tribal College are generally not included in the statistics presented in this report, due to their recent establishment.

Tribal Colleges in the United States

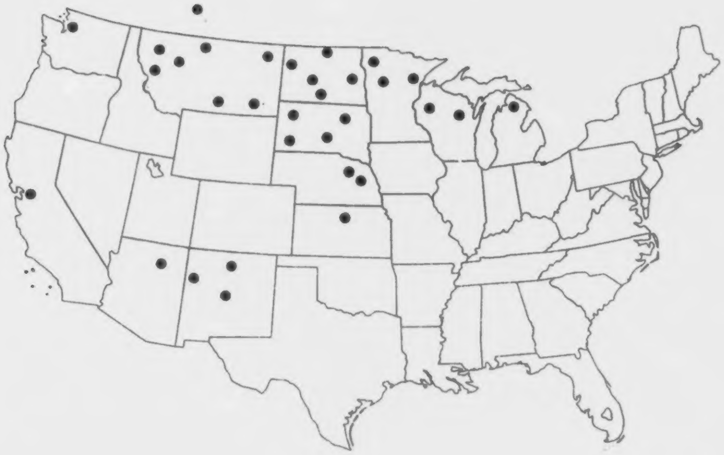
Name	Location	Established	Chartering tribe(s)	Accreditation status
Bay Mills Community College	Brimley, MI	1984	Bay Mills Indian Community	Fully accredited
Blackfeet Community College	Browning, MT	1974	Blackfeet Tribal Business Council	Fully accredited
Cankdeska Cikana Community College	Fort Totten, ND	1974	Spirit Lake Sioux Tribal Council	Fully accredited
Cheyenne River Community College	Eagle Butte, SD	1974	Cheyenne River Sioux Tribal Council	Candidate
College of the Menominee Nation	Keshena, WI	1993	Menominee Nation	Fully accredited
Crownpoint Institute of Technology	Crownpoint, NM	1979	Navajo Nation	Fully accredited
D-Q University	Davis, CA	1971	Coalition of 19 tribes and bands	Fully accredited
Diné College	Tsaile, AZ	1968	Navajo Nation	Fully accredited
Dull Knife Memorial College	Lame Deer, MT	1975	Northern Cheyenne Tribal Council	Fully accredited
Fond du Lac Tribal and Community College	Cloquet, MN	1987	Fond du Lac Band of Lake Superior Chippewa	Fully accredited
Fort Belknap College	Harlem, MT	1984	Gros Ventre and Assiniboine Tribes	Fully accredited
Fort Berthold Community College	New Town, ND	1974	Three Affiliated Tribes of the Arikara, Hidatsa and Mandan	Fully accredited
Fort Peck Community College	Poplar, MT	1978	Assiniboine and Sioux Tribes	Fully accredited
Haskell Indian Nations University**	Lawrence, KS	1970	Federally chartered	Fully accredited
Institute of American Indian Arts	Sante Fe, NM	1988*	Congressionally chartered	Fully accredited
Lac Courte Oreilles Ojibwa Community College	Hayward, WI	1982	Lac Courte Oreilles Band of Lake Superior Chippewa	Fully accredited
Leech Lake Tribal College	Cass Lake, MN	1990	Leech Lake Tribal Council	Candidate
Little Big Horn College	Crow Agency, MT	1980	Crow Tribal Council	Fully accredited
Little Priest Tribal College	Winnebago, NE	1996	Winnebago Tribe	Fully accredited
Nebraska Indian Community College	Niobrara, NE	1979	Omaha Tribal Council, Santee Sioux Tribe, and Yankton Sioux Tribe	Fully accredited
Northwest Indian College	Bellingham, WA	1983	Lummi Indian Business Council	Fully accredited
Oglala Lakota College	Kyle, SD	1971	Oglala Sioux Tribal Council	Fully accredited
Salish Kootenai College	Pablo, MT	1977	Confederated Salish and Kootenai Tribal Council	Fully accredited
Sinte Gleska University	Rosebud, SD	1971	Rosebud Sioux Tribal Council	Fully accredited
Sisseton Wahpeton Community College	Sisseton, SD	1979	Sisseton Wahpeton Sioux Tribal Council	Fully accredited
Sitting Bull College	Fort Yates, ND	1973	Standing Rock Sioux Tribe	Fully accredited
Southwestern Indian Polytechnic Institute	Albuquerque, NM	1971	Federally chartered	Fully accredited
Stone Child College	Box Elder, MT	1984	Chippewa Cree Business Committee	Fully accredited
Turtle Mountain Community College	Belcourt, ND	1972	Turtle Mountain Band of Chippewa	Fully accredited
United Tribes Technical College	Bismarck, ND	1969	North Dakota Development Corp (representing four tribes)	Fully accredited
White Earth Tribal and Community College	Mahnomen, MN	1997	White Earth Reservation Tribal Council	Precandidate

* IAIA was initially begun in 1962 as an experiment undertaken by the Bureau of Indian Affairs, but became a congressionally chartered educational institution in 1988

** Haskell was founded in 1884 as an Indian boarding school

Note Red Crow Community College is a member of AIHEC, but is located in Canada.

Geographic Location of Tribal Colleges



WHAT MAKES TRIBAL COLLEGES UNIQUE?

Tribal Colleges are different from mainstream community colleges in their cultural identities, which are reflected in virtually every aspect of college life. In addition, Tribal Colleges are actively involved in a broad range of community efforts—including basic education, counseling services, and economic development initiatives—that are specifically focused on communities that would otherwise be completely isolated from such resources.

Cultural Studies

All parts of the colleges' curricula are designed from an American Indian perspective, and the individual courses reflect this effort. The colleges offer courses in tribal languages that might otherwise disappear, as well as other traditional subjects. For example, Bay Mills Community College offers a traditional tribal literature class—only in the winter term because the stories are supposed to be told when snow is on the ground—and Fort Belknap College offers a course on the economic history of the reservation (American Indian College Fund, 1996). At the same time, non-cultural courses attempt to reflect tribal philosophies of education. In particular, many of the colleges have responded to the need for more American Indian elementary and secondary school teachers, with teacher preparation programs of their own or collaborative programs with a state college or university (Pavel et al., 1995). Thus, Nebraska Indian Community College was awarded a grant for an Indian Teacher Education program for American Indian students who plan to obtain teaching certificates through nearby Wayne State College (American Indian College Fund, 1996).

Program profile

All students at Oglala Lakota College are required to take courses offered by the Lakota Studies Department, which provides a cultural focus for the entire college. The department offers community workshops, helps collect materials relevant to tribal history and culture, and is integral in efforts to maintain the Lakota language. The Tribal Leadership/Management Development Program develops courses of study in tribal leadership and management, which incorporate Lakota values and language. In particular, the master's degree program attempts to prepare students for future positions of leadership within the tribe.

Source: American Indian College Fund, 1996.

Furthermore, there are many American Indian role models at Tribal Colleges. In Fall 1995, 30 percent of full-time faculty at the colleges were American Indian/Alaskan Native, as were 79 percent of full-time staff members (NCES, 1990-97).[1] In comparison, less than 1 percent of full-time faculty and staff at all public institutions were American Indian/Alaskan Native.

Frequently, classes are taught by tribal elders and other non-traditional faculty members. Faculty have developed innovative curricula and teaching methodologies (Pavel et al., 1995), and the colleges have become centers of Indian research and scholarship. Tribal Colleges also work to instill an appreciation of tribal culture in non-Indian faculty members through such programs as Diné College's new Office for Diné Education Philosophy, which is developing a methodology that will apply traditional Navajo philosophy to the management of the school (American Indian College Fund, 1996).

Moreover, the colleges have become essential repositories of tribal knowledge. In 1996-97, virtually all Tribal Colleges had library facilities at the institution (NCES, 1990-97). In many of these cases, the libraries function as tribal archives. They collect documents and records that used to be kept elsewhere and record oral histories from tribal elders (Boyer, 1997). The Blackfeet Community College Library is not only the tribal library, but also the only postsecondary library in that part of Montana (American Indian College Fund, 1996). In addition to serving as the tribal library and archives, Tribal Colleges provide tribal communities with access to computer labs and interactive television.

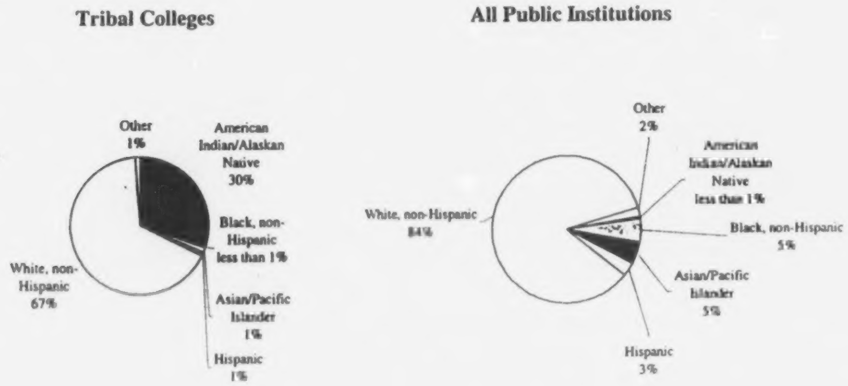
College and Community

In addition to their uniquely designed education of American Indian students, Tribal Colleges play a vital role in the communities they serve. In 1996-97, for example, 22 Tribal Colleges reported offering adult basic education, remedial, or high school equivalency programs (NCES, 1990-97). These programs are available to the local community, and many of those who earn GEDs continue on to enroll in degree programs. Sitting Bull College, for example, operates Project BASIC, an adult learning program in which a mobile classroom serves the reservation's outlying districts (American Indian College Fund, 1996). After enrollment, the colleges continue to support students by offering tutoring programs to build basic skills and active counseling programs. Some colleges also reach out to secondary school students—D-Q University's American Indian Young Scholars Program, for instance, provides academic preparation, research experience, and support services to high school students interested in pursuing energy-related majors (American Indian College Fund, 1996).

Because most reservation economies are stagnant, Tribal Colleges also actively seek to promote local economic development. In addition to offering an increasing number of entrepreneurial business courses, more than a dozen colleges sponsor business incubators or small business development centers in order to encourage private sector growth (Casey, 1998). Such centers offer a one-stop, community-based site for technical business assistance and advice. For example, Northwest Indian College on the Lummi reservation has its own Business Assistance Center and has established centers on seven other reservations in Washington. Students can earn a one-year certificate in entrepreneurship through this program, which offers courses via satellite. In addition to an associate's degree program in entrepreneurship, Haskell Indian Nations University offers a training program targeted at Tribal College faculty to develop and teach case studies on Indian entrepreneurs (Foley Chuckluck, 1998).

Finally, the colleges provide many services to the community and act as gathering points for tribal members. Because so many students have family responsibilities, the colleges often operate on-campus day-care facilities for children of students. In 1996-97, for example, 10 colleges reported offering such facilities (NCES,

Full-Time Faculty by Race/Ethnicity, 1995



Tribal Colleges

All Public Institutions

Note: Percentages may not add to 100 due to rounding.
Source: NCES, 1990-1997.

1990-1997), many of which are open to the wider community as well. In addition, the colleges provide substance abuse counseling, nutritional counseling, and other services. Leech Lake Tribal College has even initiated a cooperative program with the tribal government called Project Grow, which attempts to address the high incidence of diabetes on the reservation by improving the community's diet with traditional Indian crops (American Indian College Fund, 1996).

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[1] Only 22 colleges reported staff information to IPEDS in 1995.

HOW MANY STUDENTS DO TRIBAL COLLEGES SERVE?

Since the initial years of the Tribal College movement, enrollment at the colleges has increased at a rapid rate. In 1982, enrollment at the colleges stood at approximately 2,100 (O'Brien, 1992). By 1995-96, however, enrollment over the 12-month academic period reached 24,363 undergraduates and 260 graduate students.[1] The number of undergraduates ranged from several thousand at Diné College to less than 200 at the Institute of American Indian Arts.

Because Tribal College students "stop-out" or skip semesters more frequently than do traditional undergraduates—similar to students at community colleges overall—fall enrollment figures are lower. In 1996, fall enrollment totaled 16,689 undergraduates, approximately half of them full-time and half part-time, and 151 postbaccalaureate students. This represents a substantial increase—43 percent—from the fall of 1990, in which the colleges reported a total of 11,767 students (NCES, 1990-1997).[2]

In a sign of the growing influence of the Tribal College movement, during the 1990s Tribal College enrollment has increased more rapidly than has American Indian enrollment at mainstream institutions. Between 1990 and 1996, fall enrollment of American Indian students at Tribal Colleges increased by 62 percent. In comparison, American Indian enrollment increased by 36 percent at mainstream colleges over the same period. The growth in enrollment at Tribal Colleges was concentrated in a few states: California, Montana, New Mexico, North Dakota, and South Dakota. In each of these states, enrollment of American Indians increased at a faster rate at Tribal Colleges than at mainstream institutions.

Moreover, in three of these states—Montana, North Dakota, and South Dakota—the majority of American Indian college students are enrolled at Tribal Colleges (NCES, 1990-1997; Hines and Higham, 1997).

Measures of enrollment

The National Center for Education Statistics uses several measures of student enrollment at postsecondary institutions:

- *An unduplicated headcount during a 12-month period* measures the total number of students enrolled during the 12-month reporting period in any courses leading to a degree or that are part of a vocational or occupational program. Each student is counted only once during the reporting period. Unduplicated 12-month enrollment at Tribal Colleges reached 24,623 in 1995-96.
- *Fall headcount enrollment* measures the number of students enrolled for credit or in a vocational or occupational program at the institution as of October 15 of that year, or on the institution's official fall reporting date. Each student is counted only once during the reporting period. Fall 1996 enrollment at Tribal Colleges was 16,840.
- *Full-time equivalent (FTE) enrollment* attempts to adjust enrollment figures by attendance patterns. All full-time students are counted, plus a portion of part-time students. FTE enrollment can be used for either 12-month or fall periods. FTE enrollment at Tribal Colleges for fall 1996 was 11,221.

In addition, a special enrollment measure is used by the Bureau of Indian Affairs for Tribal Colleges in particular:

- *Indian Student Count (ISC)* measures the number of FTE American Indian/Alaskan Native students enrolled according to a specific formula, for the purposes of distributing funds under the Tribally Controlled College or University Assistance Act. In FY 1999, the ISC count for all 26 colleges funded under this Act was 9,232 (BIA, 1998).

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[1] These enrollment figures include data from only the 29 colleges that reported to IPEDS; Little Priest Tribal College, White Earth Tribal and Community College and Red Crow Community College are not included. Graduate numbers include only Oglala Lakota College and Sinte Gleska University.

[2] Figures for 1996 include data from 28 colleges (in addition to the colleges noted in the previous footnote, the College of the Menominee Nation is not included), while 1990 figures include only 20 colleges.

Comparison of Indian Fall Enrollment, 1990 and 1996

State	Indian students at non-tribal colleges, 1990	Indian students at non-tribal colleges, 1996	% increase	Indian students at tribal colleges, 1990	Indian students at tribal colleges, 1996	% increase	Tribal college students as % of total, 1990	Tribal college students as % of total, 1996
AZ	7,418	10,140	37%	1,424	1,604	13%	16%	14%
CA	21,253	22,852	8%	123	190	54%	1%	1%
KS	1,141	1,865	63%	831	819	-1%	42%	31%
MI	3,563	4,229	19%	N.A.	261	_	_	6%
MN	2,010	2,985	49%	N.A.	27	_	_	1%
MT	991	1,426	44%	1,442	2,320	61%	59%	62%
ND	666	913	37%	950	1,382	45%	59%	60%
NE	488	862	77%	241	272	13%	33%	24%
NM	4,440	6,979	57%	170	939	452%	4%	12%
SD	778	883	13%	1,134	1,555	37%	59%	64%
WA	3,868	6,140	59%	N.A.	567	_	_	8%
WI	2,051	2,335	14%	N.A.	298	_	_	11%
Total	96,656	131,902	36%	6,315	10,234	62%	6%	7%

Notes: Data on Tribal College students for fall 1996 include 28 colleges, while figures for fall 1990 include 20 colleges. Data in 1990 were not available for some of the colleges because they did not report to IPEDS in that year, did not provide fall enrollment figures, or had not been established.
Source: NCES, 1990-1997.

WHO GOES TO TRIBAL COLLEGES?

Tribal College students share many traits, including some that present challenges in a higher education setting—such as family obligations and low household incomes. Nevertheless, the available evidence suggests that students are satisfied with their experiences at Tribal Colleges and are completing degrees, transferring to four-year institutions, and finding gainful employment.

Composition of Student Bodies

In general, Tribal Colleges provide access for local students who might not otherwise participate in higher education; in fact, most of those enrolled are the first generation in their family to go to college. American Indian students make up the plurality of Tribal College student bodies.

Tribal College students are largely non-traditional. In 1997, data from the Bureau of Indian Affairs showed an average age of 31.5, well above the traditional college age of 18 to 24 (BIA, 1998). The typical student is often described as a single mother in her early 30s, and the American Indian College Fund estimates that over half of Tribal College students are single parents. In addition, half of all Tribal College students attend on a part-time basis. In fall 1996, this ranged from 84 percent of undergraduates at Dull Knife Memorial College to less than 15 percent at the three federally chartered colleges (NCES, 1990-1997).

Tribal Colleges serve a disproportionate number of female students. In fall 1996, 56 percent of undergraduates at all public institutions were women, while 64 percent of all Tribal College undergraduates were women. This differed by institution: 76 percent of undergraduates at Sisseton Wahpeton Community College were female, compared to only 46 percent at Haskell Indian Nations University (NCES, 1990-1997).

Student Financial Aid

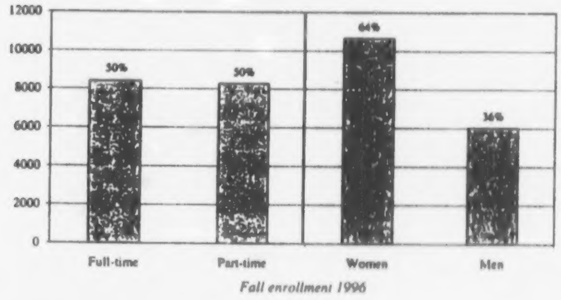
Financial aid is a critical resource for Tribal College students. Despite relatively low family income levels, however, they tend to have less access to the range of financial aid available to other students. For example, state and institutional sources together account for 25 percent of aid provided to all U.S. college students, but less than 1 percent of aid provided to Tribal College students (AIHEC and The Institute, 1996).

Student profile

Paula Healy, a student at Fort Belknap College and an enrolled member of the Rosebud Sioux Tribe, exemplifies the typical tribal college student. She is majoring in business and has been able to achieve a 4.0 grade point average. She plans to continue her education at Montana State University. Meanwhile, she is raising four children and hopes to graduate from college before her oldest son graduates from high school (American Indian College Fund, 1998b).

Tribal College students receive the majority of their financial aid through the federal Pell Grant program. In 1996-97, more than 7,000 Tribal College students received Pell Grants, with an average award of $1,629. This represented nearly 35 percent of all Tribal College undergraduates; however, the proportion of students receiving Pell Grants varied by institution, from 17 percent at Lac Courte Oreilles Ojibwa Community College to 70 percent at the Institute of American Indian Arts (USDE, 1996-1997).[1] It is important to recognize that despite their low incomes, many Tribal College students may not receive Pell Grants due to a combination of their attendance patterns—many students take very few credit hours—and low tuition levels. In addition, many Tribal College students fail to apply for financial aid at all.

Aggregate Composition of Undergraduate Student Bodies



Source: NCES, 1990-97

Financial aid support from other sources remains limited. By choice, Tribal Colleges generally do not participate in the campus-based

Perkins Loan program, and very few Tribal College students borrow Stafford Loans—in 1994-95, only about 200 students borrowed just over $400,000 (AIHEC and The Institute, 1996). Approximately 8 percent of Tribal College students received Supplemental Educational Opportunity Grants in 1996-97, with an average award of $411. In addition, about 3 percent of Tribal College students received an average of $851 in federal work-study funds. These average awards are lower than those of mainstream institutions due to "grandfather" clauses in the legislation that favor older institutions that have participated in the programs the longest (Billy, 1998). To supplement government funding, many Tribal College students receive aid from private sources, including the American Indian College Fund, which raises money for scholarships.

Signs of Student Success

Tribal Colleges are doing an effective job of educating their students. For example, Tribal College students are earning degrees, transferring to four-year institutions, and obtaining jobs. In addition, anecdotal reports from Tribal College admissions officers indicate that American Indian students are choosing Tribal Colleges over mainstream institutions. This is supported by the previously mentioned data on comparative enrollment of American Indian students, and by the fact that many Tribal College presidents note that the student bodies of their colleges are gradually becoming younger.

Although information on the number of Tribal College students earning degrees is limited, available data suggest that a significant percentage of Tribal College students are completing degrees. At the 16 colleges that reported completions data for 1996-97, 936 degrees were awarded, including 409 associate's degrees, 58 bachelor's degrees, and two master's degrees. Of all of these degrees, 84 percent were awarded to American Indian/Alaskan Native students and 67 percent were awarded to women (NCES, 1990-1997).

A substantial proportion of Tribal College students continue on to four-year institutions after earning a degree at a Tribal College, most of which have strong relationships with state colleges and universities to facilitate transfers. For example, about 70 percent of students at D-Q University transfer to four-year colleges after earning an associate's degree (American Indian College Fund, 1996). One study of students from Salish Kootenai College found that American Indian students who had attended the college and then transferred to the University of Montana earned higher grade point averages and had higher graduation rates than American Indian students who had gone to the university directly from high school (Zaglauer, 1993).

Another important measure of success is the relatively low unemployment rate of Tribal College graduates, especially given the high rates prevalent on most reservations. Although comprehensive data are currently unavailable, isolated studies have found reason for optimism. A survey of Turtle Mountain Community College graduates from 1980 to 1990 found that less than 13 percent were unemployed, in contrast with a much higher rate of unemployment of 55 percent on the reservation as a whole (Boyer, 1997; American Indian College Fund, 1996). A few other colleges have tracking systems in place and can report high percentages of graduates who are employed, including: Crownpoint Institute of Technology, 85 percent; Little Big Horn College, 87 percent; and Oglala Lakota College, 93 percent (Boyer, 1997).

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[1] Fiscal Operations Report and Application to Participate (FISAP) data for 1996-97 are missing information from Fort Belknap College, Cheyenne River Community College, White Earth Tribal and Community College and Little Priest Tribal College.

WHAT RESOURCES ARE AVAILABLE TO TRIBAL COLLEGES?

The treaty obligations and trust responsibility between the sovereign Indian tribes and nations and the U.S. federal government sets Tribal Colleges apart from mainstream institutions in a specific way: the federal government is committed to providing funding for Indians for a variety of programs, including higher education. This commitment is especially important because Tribal Colleges receive little or no funding from state governments, as states have no obligation to fund them due to their location on federal trust territory. The status of reservations as federal trust territory also prevents the levying of local property taxes to support higher education—an important source of revenue for most mainstream community colleges.

Core Operational Funding

As a result of the lack of local or state support, Tribal Colleges rely heavily on federal funds for their core operational funding. In particular, they depend on the funds distributed through the Tribally Controlled College or University Assistance Act of 1978 (TCCUAA) and administered by the Bureau of Indian Affairs for their operating expenses. The Act authorizes funding through several sections:

- Title I currently allocates funding to 25 of the colleges through a formula based on the number of Indian students enrolled (called the Indian Student Count, or ISC).[1] No funds are distributed for non-Indian students, who make up a significant percentage of total enrollment at Title I schools on average. Title I is authorized at a per Indian student level of $6,000, with a maximum total amount of $40 million.

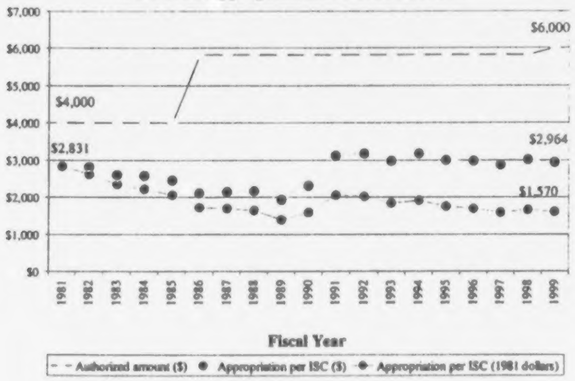
- Title II provides funding for core operations for Diné College.

- Title III provides matching funds for endowment grants, and is authorized at $10 million. However, appropriations have never surpassed $1 million.

- Title IV is authorized at $2 million to finance local economic development projects, but funding has never been appropriated.

- In addition, funds are authorized for Facilities Renovation and Technical Assistance.

TCCUAA Appropriations to Title I Schools



Note: In FY1988, the Title I distribution formula was changed from FTE American Indian students to ISC; the latter is slightly higher because the count is taken earlier and because all credit hours are counted. Inflation adjusted figures are in 1981 dollars using CPI-U (1982-84=100). The figures for 1998 and 1999 were estimated assuming that the increase in CPI remained constant at about four index points per year.

Source: The Institute, 1997; AIHEC, unpublished data; Bureau of Labor Statistics.

Recently total appropriations have increased sightly, after remaining static for many years in real terms (The Institute, 1997; AIHEC, unpublished data). In Fiscal Year 1999, total appropriations reached $30 million. Nevertheless, appropriations for Title I schools in particular have never matched the authorized levels. The current funding per Indian student, $2,964, is now less than half the authorized amount of $6,000. Despite the increases in total appropriations, the Title I funding per Indian student has increased only slightly since 1981—by $133—and in fact has decreased by 45 percent when inflation is considered. This is primarily because enrollment growth has outpaced the small increases in appropriations from Congress, and because the number of eligible Title I colleges has grown.

Since the authorized amounts have never been fully realized, Title I Tribal Colleges operate with significantly less funding per student than mainstream colleges. Estimates indicate that community colleges will receive an average of $4,743 per FTE student from federal, state, and local government revenues in Fiscal Year 1999.[2]

Other Funding Sources

To make up for the shortfall in revenue, most Tribal Colleges must charge tuitions that are high given the poverty levels of the communities they serve. In 1996-97, in-state tuition and fees at the tribally controlled colleges averaged $1,950. In comparison to mainstream colleges, this average was 52 percent higher than tuition and fees for public two-year institutions, and were only slightly lower than the average for all two-year and four-year public institutions (NCES, 1997b; NCES, 1990-97).

Tribal Colleges also receive limited funds from other sources.

- Some colleges, not funded through the TCCUAA, receive core operational funding through other federal mechanisms. For example, United Tribes Technical College and Crownpoint Institute of Technology receive funds through the *Carl D. Perkins Vocational and Applied Technology Act*—together, they received $3.1 million in Fiscal Year 1998. These two colleges are ineligible to receive funding under the TCCUAA because the Act limits funding to only one Tribal College per tribe (Billy, 1998).[3] Haskell Indian Nations University and Southwestern Indian Polytechnic Institute, which are owned and operated by the Bureau of Indian Affairs, and the Institute for American Indian Arts, which is Congressionally chartered, also receive funding through separate authorization.

- The Tribal Colleges benefit from 1994 federal legislation awarding them *land-grant status*. They join 55 state universities and 17 Historically Black Colleges and Universities (HBCUs), which were designated as land-grant institutions in the 19th century. This new designation helps the Tribal Colleges become more visible and connected to mainstream institutions, by sharing projects, resources, and information with other land-grant colleges (St. Pierre and Stein, 1997). The colleges (collectively called the "1994 institutions") receive equity grants—$50,000 per institution—to strengthen agricultural and natural resources; share the interest from an endowment fund that receives $4.6 million annually; and may compete for funding for extension programs (about $2 million in total). In addition, the creation of a new research program was authorized in FY 1999. However, total appropriations for the programs authorized for all 29 eligible institutions[4] are approximately equal to the amount given to just one state land-grant college each year (Billy, 1998). The colleges will use the funds available to them to help reservation communities develop potential in the following areas: nutrition, youth, economic development, family development, natural resources, agriculture, and community development.

- In addition, some Tribal Colleges—like other minority-serving institutions—receive funding from Title III under the Higher Education Act, the *Aid for Institutional Development program*. In Fiscal Year 1998, Tribal Colleges had eight ongoing competitive grants under Part A, for a total of $2.6 million out of the more than $55 million available (Billy, 1998). In Fiscal Year 1999 the Tribal Colleges will join HBCUs and Hispanic-serving institutions by getting a separate section under Title III. This new section was authorized at $10 million, but actually only received appropriations of $3 million.

- Finally, Tribal Colleges receive minimal funding from other sources, including state block grant programs for adult education; the Minority Science Improvement Program; Environmental Management Grants; and other specially directed funds. The U.S. Department of Agriculture recently announced rural development grants to four colleges—Cankdeska Cikana Community College, Crownpoint Institute of Technology, Fort Peck Community College, and Nebraska Indian Community College—to strengthen aspects of the agricultural programs and make them "Centers of Excellence" in the nationwide rural development network (*Tribal College Journal*, Spring/Summer 1998, pp. 38-39+).

It is important to recognize that only five of the Tribal Colleges receive any income from gaming (American Indian College Fund, 1998a); in addition, such funds—when received—are relatively small and unstable. The misperception exists that tribes either operate casinos themselves or receive a portion of the revenue from other tribes' casinos. In fact, only a fraction of tribes own casinos, and tribes generally do not share revenue because they are sovereign entities.

Given the Tribal Colleges' chronic underfunding, the White House Executive Order on Tribal Colleges and Universities (No. 13021) was signed in order to more fully integrate the colleges into federal programs. This document, issued by President Clinton on October 19, 1996, reaffirms the important role Tribal Colleges play in reservation development by directing all federal de-

College profile

Bay Mills Community College is located in the Bay Mills Indian Community on the upper peninsula of Michigan. Since it was chartered in 1984, the college has offered courses on the eleven reservations in the state. More recently the college has created a virtual college offering courses via the internet to students in 17 states.

The college grew out of a vocational program funded by the tribal Department of Education. It began in the basement of the Tribal Center, but moved to an unused fish-processing plant when it outgrew the space. Since then, the building has been expanded three times. In addition, a library building was completed in 1990, and 10 townhouses were added in 1993 to fill the need for student housing. All the buildings at Bay Mills are purified with sage at least twice a year.

Bay Mills Community College attempts to build Indian culture into the curriculum as well as offering traditional coursework and vocational training. In addition, the college uses flexible classroom settings, individual instruction, and computer tutorials to meet the various academic needs of its students.

Source: American Indian College Fund, 1996.

partments and agencies to increase their support to the colleges. The initiative hopes to direct more attention toward the colleges, but also bring in more resources and create greater opportunities.

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[1] As of FY 1999, Medicine Creek Tribal College is eligible to receive funding under Title I, but is not currently a member of AIHEC.

[2] AIHEC estimates based on data from AACC, 1998.

[3] The Navajo Nation charters both Crownpoint and Diné College; United Tribes is chartered by four tribes in North Dakota, all of which have their own tribal colleges.

[4] Little Priest Tribal College will be funded as of Fiscal Year 1999, bringing the total to 30.

ISSUES FOR FURTHER EXAMINATION

There are many issues that Tribal Colleges will need to address in the future in order to maintain quality higher education for their students. Many of these are closely linked with financing problems, and can only be resolved by increasing core operational funds. They generally fall into two categories: 1) aspects of the institutions themselves, such as faculty and facilities; and 2) broader policies affecting the institutions, including the growth of distance learning and recent changes in welfare laws.

Faculty and Staff

Despite the success of Tribal Colleges in recruiting a comparatively large proportion of American Indian faculty, recruiting and retaining faculty to teach at Tribal Colleges remains a problem. One reason for this difficulty is the geographic isolation of the colleges; another is the fact that representation of American Indians among faculty throughout the United States remains disproportionately small, effectively limiting the supply of such faculty to the colleges. Due to accrediting agencies placing increased emphasis on academic credentials, and the relative undereducation of American Indian people nation-wide, Tribal Colleges have frequently turned to non-Indian instructors who have Ph.D.s (Tierney, 1992). Nonetheless, the colleges hope that many of their former students will return as faculty members—in fact, several of the college presidents (who also frequently teach) attended Tribal Colleges.

Average faculty salaries are low—$23,964 for full-time faculty on nine- or ten-month contracts in 1996-97. In comparison, the average salary was $49,855 at all public institutions in the United States, and $43,730 at public two-year institutions (NCES, 1990-1997). Staff at the Tribal Colleges face similar challenges of low salaries, geographic isolation, and frequently a lack of training. As a result, high staff turnover remains a problem for the colleges.

Maintenance and Construction of Facilities

The quality and number of facilities continue to present a problem for Tribal Colleges, most of which have decentralized, ad hoc campuses. Many of the colleges operate in abandoned or donated buildings, in which hazards such as leaking roofs and crumbling foundations abound. Frequently, the colleges do not even have blueprints for some of their buildings, which adds to renovation costs.

Although many of the colleges have identified facility maintenance and construction as a high priority, most of them are forced to choose to put available money into instruction and related expenses instead (AIHEC, 1998a).

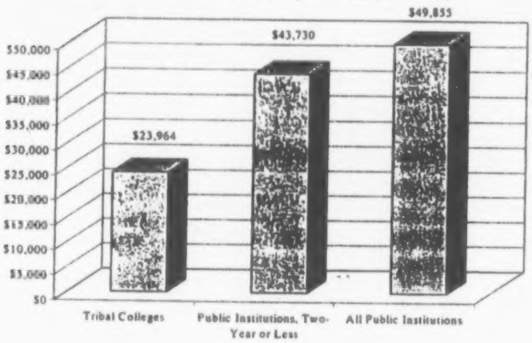
Thirteen of the Tribal Colleges report that they need to increase the number of campus classrooms, at a estimated cost of more than $18 million. Other facilities that are needed include science and math laboratories, library buildings, community centers, and child care facilities (AIHEC, 1998a).

Although the TCCUAA has a provision for facilities renovation that is authorized at $1.8 million, it has not been funded to date, and the core operational funding under Titles I and II cannot be used for new construction. Some colleges, such as the College of the Menominee Nation, have received government or private grants to build state-of-the-art facilities. Others such as Salish Kootenai College and Stone Child College have relied on students enrolled in their building trades programs to construct new facilities and make renovations.

Technology/Distance Learning

Tribal Colleges frequently use distance learning to encourage access and retention. Such methods also allow them to offer courses at many satellite locations, within the reservation or on other reservations in the state. All of the colleges participate in a network that allows

Average Full-Time Faculty Salaries, 1996-97



Note: Includes only faculty on 9- to 10- month contracts. Tribal Colleges figure was calculated for the 14 tribally controlled colleges that reported to IPEDS.
Source: NCES, 1990-1997.

them to increase the number of courses they offer by using satellite technology to downlink them from other sites (AIHEC, 1998b). In addition, several colleges offer courses from state universities through teledistance. For example, Crownpoint Institute of Technology is becoming the hub for the Navajo Nation Area-Wide Network, and is developing plans for interactive distance learning in cooperation with Northern Arizona University. Sitting Bull College has installed an interactive telecommunications network that allows students to take classes at colleges and universities in North Dakota via two-way video (American Indian College Fund, 1996).

In addition, many of the colleges have identified expanding technology and purchasing equipment as a high priority for the future. Some colleges have been able to take advantage of grants to improve technology—funds through a Title III Strengthening Institutions grant allowed Sisseton Wahpeton Community College to upgrade computers, access the Internet, and wire the library with fiber-optics. Yet most do not have money available to invest in such purposes and keeping up with advancing requirements will be difficult (American Indian College Fund, 1996).

Welfare Reform

The recently enacted welfare reform legislation, with its stricter work and job training requirements, is expected to have significant effects on the Tribal Colleges. With extremely high unemployment rates on the reservations, increasing numbers of welfare recipients are turning to the colleges for remedial education and job training activities. Tribal Colleges are often the only agency to assist welfare recipients with skill development. Under the new welfare provisions, American Indian applicants will be referred to either the tribal jobs program, a state jobs program (if one is available), or the local community college or tribal college. In most cases, the recipient must be employed within 24 months of applying. Individuals who are disqualified will have to apply for General Assistance, another Indian welfare program administered through the Bureau of Indian Affairs. However, the amount of money available for General Assistance has been steadily declining on tribal college reservations (Shanley, 1997). Given the high numbers of welfare recipients on the reservations, this process will greatly impact local communities and the colleges that serve them. Other potential problems include shortages of facilities and instructors; insufficient time to bring people through remediation and instill job skills; inadequate day care facilities; and the lack of employment opportunities on the reservations (Shanley, 1997).

It seems clear that both states and tribes will look to the colleges to train Indians and non-Indians on the reservation. Thus, the most obvious impact is likely to be increasing enrollments at most of the colleges. Most of the welfare recipients served by the colleges will need basic adult education and GED programs. However, TCCUAA funding is based on the number of American Indian students, who must meet certain basic literacy requirements; the colleges do not receive federal funds for non-Indians or for remedial and GED programs. Therefore, the colleges will have less money per student to spend on instruction and other services.

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Statement of Roger Bordeaux
Association of Community Tribal Schools, Inc.

Mr Chairperson and members of the Committee, thank you for giving us the opportunity to testify before you concerning the American Indian Education Foundation of 1999. The Association of Community Tribal Schools Inc. (ACTS) **represents tribal elementary and secondary schools in the states of Florida, Michigan, Wisconsin, Minnesota, South Dakota, Kansas, Arizona, New Mexico, Washington, Montana, Idaho and Louisiana.** There are also tribal schools in Maine, North Carolina, Iowa, Oklahoma, North Dakota, Nevada, Wyoming, and California.

According to Table 2: Comparison Between Bureau of Indian Affairs and Grant Schools (1998), published by the BIA, tribal schools are as good or better then BIA operated schools in half of the categories, including:

⇒ having a higher yearly retention rate,

⇒ a lower dropout rate, and

⇒ a higher percentage of students in the math advanced and language arts advanced achievement catagories.

The BIA reports that 116 (63%) of the BIA funded schools are tribal controlled schools and 29,222 (58%) of the students are in tribal schools. The BIA also reports that 13 additional schools will transfer from BIA domination to tribal management over the next two years. By the start of the 2000-2001 (FY 00) school year, 70% of the BIA funded schools may be tribally managed and 63% of the students could be in tribal schools. Tribal schools have had many other successes over the last 30 years and with the continued support of Congress they will continue to improve and provide quality education for their children.

ACTS supports the basic purposes of the American Indian Education Foundation Act of 1999. We do have some specific recommendations that we feel will make the Act more responsive to our clients.

21601. Organization

- The domicile of the Foundation should be allowed to be anywhere in the United States and not just the District of Columbia.

21602. Establishment and Purposes

- The bill should allow the Foundation to encourage, accept and administer public as well as private gifts of real and personal property.

Association of Community Tribal Schools, Inc.

21603. Governing Body

- Of the eleven board members at least six of them should be from tribal governments or their designees and the other four from diverse populations.

21604. Powers

21605. Principal office

21606. Services of process

The foundation should comply with the laws of tribes and then laws of states.

21607. Liability of officers

- The Foundation should be required to purchase Errors and Omissions Insurance as well as General Liability Insurance equal to two times the total assets of the Foundation.

21608. Restrictions

21609. Transfer of donated funds

- The Foundation should be able to accept funds from other federal departments and agencies. The other departments and agencies could be required to contribute any unobligated funds to the foundation.
- The Foundation should be listed as an allowable deduction to all federal employees with a small matching amount from the employer.
- The Foundation should be listed for individual Indians/Alaska Natives and tribes so that they could donate their trust funds to the Foundation.

Section 3. Initial Period After Establishment.

- The Foundation should be annually audited by an independent firm and the audit report should be given to the Congress and the federally recognized tribes who have BIA funded schools within their Natios boundaries.
- The required reports should also go to the federally recognized tribes who have BOA funded schools within their Nations boundaries.
- The Secretary should be required to provide at least 1 person including necessary facilities and other administrative expenses until the annual Foundation revenue reaches $ 2,000,000.

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- The personnel hired under this Act should be considered a contract employee to the foundation much the same way as teachers in Bureau funded schools.
- The Foundation should not required to reimburse the Secretary until the annual Foundation revenue reaches $ 2,000,000.
- The Secretary should be allowed to continue providing facilities as long as necessary at no cost to the Foundation up to a maximum of 2,500 square feet.

In closing, we would like to request that the committee pass the American Indian Education Foundation Act of 1999 with the recommendations we have proposed. We hope that the Foundation can begin operation immediately upon passage by Congress and signature by the President of the United States.

Section 1 - The section 107 of the Native American Languages Act of 1990 (25 U.S.C. 2906) is repealed.

Section 2 - Part B of Title XI of the Education Amendments of 1978 (25 U.S.C. 2001 et seq.) is amended to read as follows:

Part B. - Schools Operated By the Bureau of Indian Affairs

Section 1121 - Findings and Policy

(a) The Congress makes the following findings:

1) That there are 185 schools supported by the Federal government under the trust responsibility providing educational services to 50,000 Indian students;

2) That 68 of the schools funded by the Federal government are operated by the Bureau of Indian Affairs and 117 are operated by tribes and communities;

3) That the schools that receive Federal financial assistance are part of the unique government to government relationship between the tribes and the Federal government.

4) That there is no resource more vital to the continuation of the Tribes and the country than the resource of these young people and that the Federal government has a responsibility, as their trustee, to protect their educational opportunities.

5) That all tribal and Bureau schools give structure and realization to the natural desire of Indian parents and communities to control their destinies and the destinies of their children.

6) That it is the mission of the United States to provide quality education opportunities from early childhood through life in accordance with the Tribes' needs for cultural and economic well-being and the desires of each student and family.

7) Tribal and Bureau schools are underfunded and undersupported in both fiscal and physical assets, and the Federal government has failed to carry out its responsibility to provide the best education possible for Indian students.

8) That there are problems with students transitioning from grade level to grade level and school to school, and that there is a need for teachers specifically trained for dealing with Indian students' special academic and cultural needs and beliefs.

9) That the inherent right of all Tribes to make the decisions relating to the welfare and education of their children is recognized, that it should be given scope and nothing should be done to interfere with it.

(b) Now, therefore, the Congress states that it is the policy of the United States:

1) To reaffirm the trust responsibility of the Federal government to the Indian tribes to provide quality educational services to Indian students, whether directly or through contract or grant, taking into account the educational, spiritual, mental, physical and cultural aspects of each student and their families and Tribes;

2) To ensure that Indian tribes and communities and parents and students fully exercise self-determination and control in planning, priority-setting, development, management, operation, staffing and evaluation of all aspects of the educational process, protecting and encouraging the right of Tribes and communities to govern their internal affairs in all matters relating to education.

3) To promote, respect, and defend the cohesiveness and integrity of the family and Tribes, as they relate to the educational and social prerogatives of the Tribes, especially through the promotion of respect for cultural practices and religious beliefs, consistent with Tribal wishes and the provisions of the American Indian Religious Freedom Act (42 U.S.C. 1996) and the provision of educational services in the best setting for the student and as close to the students home as possible.

4) To provide comprehensive multicultural and multilingual education programs, including production and use of educational materials, culturally appropriate methodologies, evaluations (including a program to encourage research in this area), accurate and culturally specific assessment instruments, and learning strategies that will reinforce, preserve and maintain Indian communities and families and that will reinforce, preserve and maintain Indian languages, cultures, and histories;

5) To encourage and support Tribes in the establishment of Departments or Divisions of Education, education codes and comprehensive education plans.

6) To create programs to ease the transition of Indian students between grades and schools.

7) To create programs for more in-service and pre-service training for teachers of Indian children

8) To create an atmosphere where individual students and their families may choose any life path, with adequate preparation having been given and support provided;

9) To serve as an advocate for Indian Tribes, communities and students in all forums, including State and local governments (particularly as relates to Impact Aid and the Johnson-O'Malley and all elementary and secondary education programs), involving other educational entities and assume an assertive role in coordinating comprehensive support for Indian students internally and from other agencies in education, mental and physical health, juvenile justice, job training, and other related programs;

10) To ensure that each agency or local school board shall be authorized and empowered to function as the policy making body for the school, consistent with the authority granted by the Tribe(s);

11) To provide the Indian parent with a choice as to which school or type of school their child shall attend, except that residential programs shall not be used as substitutes for providing adequate local family social services;

12) To promote the community school concept by encouraging year-round multi-use of educational facilities, equipment and services

13) To promote the notification of Indian Tribes of proposed, pending or final Federal legislation, regulations, appropriations, Solicitor's opinions and Attorney General opinions, and court decisions affecting education for the purposes of information and consultation;

14) To vigorously encourage and support alternative, innovative and exemplary programs reflecting Tribal specific learning styles, including but not limited to, parent-based early childhood education programs, adult and vocational technical education, library and media services, special education, gifted and talented, summer and career development programs;

16) To provide support and technical assistance at all levels for the training of duly sanctioned Tribal educational representatives involved in educational decision-making, including pre-service and in-service training of educators;

17) To establish and enforce policies and practices to guarantee equal opportunity and open access to all Indian students to matters relating to their education programs consistent with the provisions of the Privacy and Freedom of Information Acts; and

18)To aggressively seek sufficient appropriations to carry out all aspects of this Act.

Section 1122 - Accreditation

(a) Purpose and relation to other Acts

(1) The purpose of the standards implemented under this section shall be to afford Indian students being served by a Bureau operated school with the same opportunities as all other students to achieve the highest academic standards embodied in the GOALS 2000 Act and its successors. Consistent with the provisions of this section and section 1130 (Policy of Indian control) of this Part, the Secretary shall take such actions as are necessary to coordinate standards implemented under this section with those of State improvement plans developed and implemented pursuant to the GOALS 2000: Educate America Act for the States in which each Bureau operated school operates. The Secretary shall also see that such implementation is coordinated with the Comprehensive School Reform Plan, developed by the Bureau consistent with the GOALS 2000 legislation.

(2) School Boards for schools operated by the Bureau of Indian Affairs, in cooperation and consultation with their tribal governing body(ies) and their communities, shall adopt declarations of purposes of education for their communities, analyzing the implications of such purposes of education in their communities, analyzing the implications of such purposes for their schools and determining how such purposes may be made to motivate students and faculties. Such declarations shall represent the aspirations of a community for the kinds of people the community wants its children to become, and shall include assuring that all learners are becoming accomplished in things and ways important to them and respected by their parents and communities, shaping worthwhile and satisfying lives for themselves, exemplifying the best values of the community and humankind, and becoming increasingly effective in shaping the character and quality of the world all learners share. These declarations of purpose shall form one source influencing the standards for accreditation to be accepted by the schools.

(3) Pursuant to the language in the GOALS 2000 - Educate America Act, and any other provision of law notwithstanding, funds received under any

flow through program from the Department of Education or any other Federal agency may be used for school-wide projects to improve the educational program for all students and to help all students.

(b) School accreditation.

(1)(A) Within 12 months of the date of enactment of this provision, all Bureau funded schools shall meet the standards for accreditation of a tribal body (if such standards have been accepted by formal action of the tribal governing body), a regional accreditation agency, National standards, or State accreditation standards for the State in which it is located.

(B) Beginning with the publication of the first Annual Report as described in Section 1122 (c) below, such accreditation shall be voluntary for any BIA funded school which has fully met its student academic outcome improvement objectives for the report year. Schools not fully meeting such objectives shall be required to obtain or remain accredited by one of the above agencies until they do.

(2) The accreditation type and standards applied for each school shall be determined by the School Board of the school and the Administrator of the school working together, provided that in the case where the School Board and the Administrator fail to agree on the type of accreditation and standards to apply, the choice of the School board, after consultation with the tribal governing body, shall be the determining factor . Special consideration will be given to establishing an early childhood program in every Bureau funded elementary school. This program shall be eligible when funds are distributed under Section 1127.

3) Within 12 months, or at the date that the last school ceases using them as the standards for its program, the Bureau shall repeal the standards it has promulgated in the Federal Register, and shall publish no more standards.

(c) Program and Performance Budgeting and Reporting

Within one (1) year of the date of enactment of this provision, the National Council on Education Statistics (NCES) shall establish and implement a system of reporting the annual aggregate revenues by revenue source, aggregate and per-pupil expenditures by major cost objective; and overall program performance of all BIA funded schools. The NCES shall develop the system in full consultation with representatives of all established National and Regional BIA and Contract/Grant School Board Associations, the National Indian Education Association, the National Advisory Council on Indian Education, and all Tribal Divisions or Departments of Education wishing to be represented.

1)School program expenditure reporting categories shall be comparable to those used by the NCES in aggregating the revenues and expenditures, and calculating per-pupil expenditures, for public elementary and secondary schools in the several States.

i) As benchmarks for adequacy of funding, weighted NCES average per-pupil expenditures for comparable purposes shall be reported for the several States in which the BIA funded schools are located. This shall be done by adjusting the raw NCES public school averages using the most current General Accounting Office student-needs-based funding equity weights to reflect the physical isolation, poverty conditions, special education needs, and limited English proficiency of the students served by BIA funded schools.

2)The NCES shall separately report expenditures for boarding operations and related home living programs of counseling and guidance, special education, recreation, food service and transportation required as part of such operations; and also

i) Any other common class of costs for BIA funded schools which have no substantial counterpart in the cost data reported for public school expenditures by the NCES.

3)In addition, the report to be generated by the system, to be known as the BIA Education Annual Report, shall:

i) Report the current Accreditation status of all BIA funded schools.

ii)Aggregate and report information regarding the relationship between the academic content and performance standards adopted by BIA funded schools and those of the several States in which they are located.

iii) Identify any substancial differences between the BIA and Public School systems in current content and performance standards as required to accommodate for past deficiencies in academic progress by Indian students, and to implement tribal policies for student instruction in tribal languages and culture.

iv) Describe and quantify the annual objectives for improvement of student outcomes established by the BIA funded schools.

(1) Subject to the availability of additional funding to meet the need for program improvement, such objectives shall seek to achieve cumulative progress leading to average grade level performance by BIA funded school students on State standards in major content areas within five school years of the publication of the report.

4)In keeping with the Government Performance and Results Act, the Annual Report shall also objectively document the progress of the school system toward the accomplishment of these student outcome objectives for the school year reported, and of such other system-wide objectives as are adopted under the Bureau's Consolidated School Reform program. The Report shall further:

i) Summarize the results of local school-improvement-teams' formative evaluations of school and boarding program quality and comprehensiveness, and those improvements that the schools have committed to making without additional funding.

ii)Identify those measurable increases in local school and boarding program productivity that can be achieved only if additional funding is provided; prioritize and project them as a series of sequential annual performance improvement objectives.

iii) Project objectively the net additional cost and benefits, system wide, of the next year's accomplishment of such program performance improvement objectives.

iv) Project objectively those future cost increases, system wide, which will result from uncontrollable increases in the average cost and availability of normal goods and services required for school and related operations.

5)The documentation upon which the Annual Report is based shall include:

i) The results of at least one annual administration of a locally selected nationally standardized achievement test at each school.

ii)Such other measures and record keeping techniques as may be necessary to document the achievement of objectives not measured by nationally standardized tests.

iii) Reasonably standardized and objective methodologies for projecting future expenditures, and the costs of proposed program performance improvement activities.

iv) The Secretary shall take such steps as are necessary, including reports of independent auditors, to assure the validity of the data reported, and the reliability of the procedures used to create it.

v)The Secretary shall also report the name, location and Congressional district of any BIA funded school which fails to report the required data in time for inclusion in the aggregate report for the year for Bureau funded schools as a whole.

6)The Annual Report shall also include similar revenue and cost data, goals, objectives and program performance and improvement data for all other educational programs funded through the Office of Indian Education Programs, and also its Central Office, Area and Agency administrative operations, and related Facility Management and Administrative Support Operations.

7)For each school year beginning on and after July 1, 2001, the Secretary shall summarize the information gathered through the system described herein as a report of overall BIA School Operations program performance and funding need, and shall publish it in the Federal Register on or before December 31 of the following school year and submit copies to the oversight committees of the Congress.

d) Closure or consolidation of schools

1) Except as specifically required by statute, no school or peripheral dormitory operated by the Bureau on or after January 1992 may be closed or consolidated or have its program substantially curtailed unless done according to the requirements of this subsection, except that, in those cases where the tribal governing body, or the local school board concerned (if so designated by the tribal governing body), requests closure or consolidation, the requirements of this subsection shall not apply. The requirements of this subsection shall not apply when a temporary closure, consolidation, or substantial curtailment is required by plant conditions which constitute an immediate hazard to health and safety.

2) The Secretary shall, by regulation, promulgate standards and procedures for the closing, transferring to another authority, consolidating, or substantial curtailment of Bureau schools, in accordance with the requirements of this subsection.

3) Whenever closure, transfer to another authority, consolidation or substantial curtailment of a school is under active consideration or review by any division of the Bureau or the Department of the Interior, the affected tribe(s), tribal governing body(ies), and designated local school board, will be notified as soon as such consideration or review begins, kept fully and currently informed, and afforded an opportunity to comment with respect to such consideration or review. When a formal decision is made to close, transfer to another authority, consolidate or substantially curtail a school, the affected tribe(s), tribal governing body (ies), and designated school board shall be notified at least 6 months prior to the end of the school year preceding the proposed closure date. Copies of any such notices and information shall be transmitted promptly to the Congress and its appropriate Committees and published in the Federal Register.

4) The Secretary shall make a report to Congress, the affected tribe(s), and the designated school board describing the process of the active consideration or review referred to in paragraph (3). At a minimum, the report shall include a study of the impact of such action on the student population, with every effort to identify those students with particular educational and social needs, and to ensure that alternative services are available to such students. Such report shall include the description of the consultation conducted between the potential service provider, current service provider, parents, tribal representatives and the tribe or tribes involved, and the Director of the Office of Indian Education Programs within the Bureau regarding such students. No irreversible action may be taken in furtherance of any such proposed school closure, transfer to another authority, consolidation or substantial curtailment (including any action which would prejudice the personnel or programs of such school) until the end of the first full academic year after such report is made.

5) The Secretary may terminate, contract, transfer to any other authority, or consolidate or substantially curtail the operation or facilities of a school operated as of January 1, 1999 only if the tribal governing body approves such action.

e) Application for contracts or grants for non-Bureau funded schools or expansion of Bureau funded schools

(1)(A)(i) The Secretary shall only consider the factors described in subparagraph (B) and (C) in reviewing--

(I) applications from any tribe for the awarding of a contract or grant for a school that is not a Bureau funded school; and

(II) applications from any tribe or school board of any Bureau funded school for --

(aa) a school which is not a Bureau funded school; or

(bb) the expansion of a Bureau funded school which would increase the amount of funds received by the Indian tribe or school board under section 1127 of this Part.

(ii) The Secretary shall give consideration to all the factors under subparagraph (B), but none of the applications under clause (i) may be denied based primarily upon the geographic proximity of public education.

(B) The Secretary shall consider the following factors relating to the program that is the subject of an application described in subparagraph (A):

(i) the adequacy of the facilities or the potential to obtain or provide adequate facilities.

(ii) Geographic and demographic factors in the affected areas.

(iii) Adequacy of the applicants program plans or, in the case of a Bureau funded school, of projected needs analysis done either by the tribe or by Bureau personnel.

(iv) Geographic proximity of comparable public education.

(v) The stated needs of all affected parties, including students, families, tribal governments at both the central and local levels, and school organizations.

(C) The Secretary shall consider with respect to applications described in subparagraph (A) the following factors relating to all the educational services available at the time the application is considered:

(i) Geographic and demographic factors in the affected areas.

(ii) Adequacy and comparability of programs already available.

(iii) Consistency of available programs with tribal educational codes or tribal legislation on education.

(iv) the history and success of these services for the proposed population to be served, as determined from all factors and not just standardized examination performance.

(2)(A) The Secretary shall make a determination of whether to approve any application described in paragraph (1)(A) by not later than the date that is 180 days after the day on which such application is submitted to the Secretary.

(B) If the Secretary fails to make the determination described in subparagraph (A) with respect to an application by the date described in subparagraph (A), the application shall be treated a having been approved by the Secretary.

(3)(A) Any application described in paragraph (1)(A) may be submitted to the Secretary only if --
(i) the application has been approved by the tribal governing body of the students served by (or to be served by) the school or program that is the subject of the application, and

(ii) written evidence of such approval is submitted with the application.

(B) Each application described in paragraph (1)(A) --

(i) shall provide information concerning each of the factors described in paragraph (1)(B) and

(ii) may provide information concerning the factors described in paragraph (1)(C).

(4) Whenever the Secretary makes a determination to deny approval of any application described in paragraph (1)(A), the Secretary shall--

(A) state the objections in writing to the applicant by not later than the date that is 180 days after the day on which the application is submitted to the Secretary.

(B) provide assistance to the applicant to overcome stated objections, and

(C) provide the applicant a hearing, under the same rules and regulations pertaining to the Indian Self-Determination and Education Assistance Act, and the opportunity to appeal the objections raised by the Secretary.

(5)(A) Except as otherwise provided in this paragraph, the action which is the subject of any application described in paragraph (1)(A) that is approved by the Secretary shall become effective with the commencement of the academic year succeeding the fiscal year in which the application is approved, or at an earlier date determined by the Secretary.

(B) If an application is treated as having been approved by the Secretary by reason of paragraph (2)(B), the action that is the subject of the application shall become effective on the date that is 18 months after the date on which the application is submitted to the Secretary, or at an earlier date determined by the Secretary.

(6) Nothing in this section shall be read so as to preclude the expansion of grades or facilities at a school where such expansion is occasioned or paid for with non-BIA funds. Facilities needed for such expansions shall be added to the Bureauis list of facilities to defray operations and maintenance.

(f) Indian Accreditation organization

(1) The Assistant Secretary is directed to take such action as may be necessary to secure private or public funding to support a National Indian education organization, or a consortia of regional Indian education organizations, to form an Indian accreditation organization, whose focus shall be on formulating accreditation standards and protocols which take into account the special needs and abilities of Indian students, and the special desires of Indian communities and tribes. This Indian accreditation organization shall be reviewed, before it gives effect to accreditation to any school, by the Secretary of Education, to be sure it meets the standard for accreditation organizations. Once approved by the Secretary of Education, accreditation by this Indian accreditation organization shall meet the requirements of this section.

(2) The Assistant Secretary is directed to make a setaside from funds appropriated under Central Office or Area and Agency Administrative Costs of an amount of $100,000 per Fiscal Year for the purpose of encouraging and establishing this entity, provided that the contract for support shall be for a period of not more than 3 years.

Section 1123 - National criteria for home living situations.

(a) The Secretary, in consultation with the Secretary of the Department of Education, and in consultation with Indian organizations and tribes, has established national standards for home-living (dormitory) situations in Bureau funded schools, and those regulations, as they exist on the date of enactment, shall constitute the Bureauis standards. Such standards shall be implemented in Bureau operated schools, and shall serve as recommendations for schools operated under contract with the Bureau or under grant. Such standards shall include heating, lighting, cooling, adult-child ratios, needs for counselors (including special needs related to off-reservation boarding arrangements), space and privacy and professional development of current and prospective employees (to provide them with skills necessary to deal with the Indian youth of today). Once established, any revisions of such standards shall be developed according to the requirements established under section 1137 of this Part.

(b) Implementation

The Secretary shall implement the standards established under this section immediately. At the time of each annual budget submission for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress, the Tribes and the effected schools, for the latter either directly or by publication in the Federal Register, a detailed plan to bring all Bureau funded schools, including Bureau operated, contract and grants schools, up to the standards published under this section, or, in the case of contract or grants schools, established by those schools. Such plan shall include a statement of the relative needs of each boarding school in the future, detailed information on the status of each school in relation to the standards established under this section, specific cost estimates for meeting each standard for each school, and specific timelines for bringing each school up to the level required by such standards.

(c) Waiver

A tribal governing body, or the local school board (if so designated by the tribal governing body), shall have the authority to waive, in part or in whole, the standards established under this section, where such standards are deemed by such body to be inappropriate. The tribal governing body, or designated school board, shall, within 60 days thereafter, submit to the Secretary a proposal of alternative standards that take into account the specific needs of the tribeis children. The Secretary shall, within the budget stipulated for the school pursuant to section 1127 of this Part, put such amended standards into effect.

(d) Limitation

No school in operation on or before January 1, 1987 (regardless of compliance or noncompliance with the standards established under this section) may be closed, transferred to another authority, consolidated or have its program substantially curtailed, for failure to meet the standards established under this section.

Section 1124 School Boundaries

(a) Purpose

The purpose of school boundaries is to assure that each eligible Indian student is, and remains, in school until such student achieves a high school diploma. Each Bureau funded school shall be responsible for enrolling and serving each such student of an age served by the school and living within the school's attendance area, who is not enrolled in another public, private or Bureau funded school.

(b) Establishment

The Secretary shall, in accordance with this section, establish, by regulation, separate geographical attendance area for each Bureau school.

(c)(1) Except as provided in paragraph (2), on or after July 1, 1999, no attendance area shall be changed or established with respect to any Bureau funded school unless the tribal governing body or the local school board concerned (if so designated by the tribal governing body) has been (i) afforded a least 6 months notice of the intention of the Bureau to change or establish such attendance area and (ii) has been given the opportunity to propose alternative boundaries. Any tribe may petition the Secretary for revision of existing attendance area boundaries. The Secretary shall accept such proposed alternative or revised boundaries unless the Secretary finds, after consultation with the affected tribe or tribes, that such revised boundaries do not reflect the needs of the Indian students to be served or do not provide adequate stability to all of the affecerd programs. The Secretary shall publish the end result in the Federal Register as a regulation.

(2) In any case where there is more than 1 Bureau funded school located on an Indian reservation, at the direction of the tribal governing body, the relevant school boards of the Bureau funded schools on the reservation may, by mutual consent, establish the relevant attendance areas for such schools, subject to the approval of the tribal governing body. Any such boundaries so established shall be accepted by the Secretary.

(3) Nothing in this section shall be interpreted as denying a tribal governing body the authority, on a continuing basis, to adopt a tribal resolution allowing parents the choice of which school their children) may attend, regardless of the attendance boundaries established under this section.

(d) No denial of funding

The Secretary shall not deny funding to a Bureau funded school for any eligible Indian student attending the school solely because that child's home or domicile is outside of the attendance area established for that school under this provision, provided, however, that no funding shall be made available to enable a school to provide transportation for any student to or from the school and a location outside he approved attendance area of the school.

(e) Reservation as boundary

In any case where there is only 1 Bureau funded program located on an Indian reservation, the attendance area for the program shall be the boundaries (established by treaty, agreement, legislation, court decision or executive decision and as are accepted by the tribe) of the reservation served, and those students residing near the reservation shall also receive services from such program.

Section 1125 Facilities construction

(a) Compliance with health and safety standards

The Secretary shall immediately begin to bring all school dormitories and other facilities operated by the Bureau or under contract or grant with the Bureau in connection with the education of Indian children into compliance with all applicable tribal, Federal, or State health and safety standards, whichever provide greater protection , with section 504 of the Rehabilitation Act of 1973, and with the Americans with Disabilities Act of 1990, except that nothing in this section shall require termination of the operations of any facility which does not comply with such provisions and which is in use on October 20, 1994.

(b) Compliance Plan

At each time that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress a detailed plan to bring all facilities covered under subsection (a) of this section into compliance with such standards. Such plan shall include detailed information on the status of each facility/Æs compliance with such standards, specific cost estimates for meeting such standards at each school, and specific timelines for bringing each school into compliance with such standards.

(c) Construction Priorities

(1) Once every fiscal year, the Secretary shall submit to the appropriate committees of Congress and cause to be published in the Federal Register, the system used to establish priorities for school construction projects. At the time any budget request for education is presented, the Secretary shall publish in the Federal Register and submit with the budget request the current list of all school construction priorities.

(2) In addition to the process for immediate construction needs outlined above, the Secretary shall, within 18 months of the date of enactment of this provision, establish a long-term construction/replacement listing for all Bureau funded schools, taking into account the age of all schools currently funded by the Bureau, their current condition and the useful life of such facilities, both at their inception and currently. The Secretary shall, using this information, prepare a listing for the orderly replacement of all Bureau funded facilities over a period of 40 years, to enable planning and scheduling of budget requests. The Secretary shall cause this list to be published in the Federal Register for comment for a period of not less than 120 days. At the end of that time, the Secretary shall cause the list to be considered, in light of the comments received, and a final list shall be published. This final list shall become an official planning document for construction purposes.

(3) Nothing in this section shall be construed as interfering with or changing the construction priority list as it exists at time of enactment of this provision. Entities on that list shall maintain their position without reapplying. Additionally, the Committee directs and encourages all other Congressional and Administrative bodies to honor this list and not arbitrarily move schools up or down on the priority list through other legislation or means.

(d) Funding provisions

(1) Any other provision of law notwithstanding, in order to encourage the provision of new facilities in as timely a fashion as possible, the school boards and administrations of Bureau funded schools may make provision to carry-over funds from funds distributed under section 1127 of this Part for the educational program, without regard to the limitation in section 1127(f) for the purpose of pursuing facilities construction (either new or modifications). Where there is not agreement between the school board and the administration, the decision of the school board, after consultation with the tribal governing body, shall govern. Such funds may be carried forward only if such action does not materially decrease the education program offered to the students and does not endanger the accreditation required by section 1122. Such carry over shall be without regard to fiscal year. Such funds may be used for construction without any additional administrative or legislative action.

(2)(i) In order to encourage tribes which have the financial capability to participate in the education of their students, the Secretary is authorized to consider tribal offerings of education bonds, which shall be exempt from tax by the United States government or any of the several States, the proceeds of which may only be used for construction of facilities for the education of Indian students. In those instances in which the Secretary determines that the bonds will be let at a reasonable rate and are secured by good and reasonable assets for their ultimate retirement, the Secretary is authorized to provide the tribe offering such bonds with the guarantee of the "full faith and credit" of the United States with respect to the bonds to be issued. Such full faith and credit shall be registered on the bonds directly and may be relied upon by their holders. It shall be honored by all instrumentalities of the United States. .

(ii) To allow more tribes to make use of this option, the school board and administration of a Bureau operated school or the governing entity of a contract or grant school may allow the funds distributed to it for operations and maintenance to be considered an allowable expense if used to defray the cost of any expenses associated with said bonds, provided that in the case of a school operated under grant, it may not use an amount in this fashion that is greater than 10% of the amount it attracts under the grant.

(e) Hazardous condition at Bureau school

(1) A Bureau school may be closed or consolidated, and the programs of a Bureau school may be substantially curtailed by reason of plant conditions that constitute an immediate hazard to health and safety only if a health and safety officer of the Bureau determines that such conditions exist at the Bureau school.

(2)(A) In making determinations described in paragraph (1), the Bureau health and safety officer shall conduct an inspection of the condition of such plant accompanied by an appropriate tribal, county, municipal, or State health and safety officer to determine whether conditions at such plant constitute an immediate hazard to health and safety. Such inspection shall be completed by not later than the date that is 30 days after the date on which the action described in paragraph (1) is taken. No negative action may be taken unless the findings are concurred in by the second, non-BIA inspector.

(B) If the health and safety officer conducting the inspection of a plant required under subparagraph (A) determines that conditions at the plant do not constitute an immediate hazard to health and safety, any consolidation or curtailment that was made by reason of conditions of the plant shall immediately cease and any school closed by reason of conditions at the plant shall be reopened immediately.

(C) If a Bureau school is temporarily closed or consolidated or the programs of a Bureau school are substantially curtailed, by reason of plant conditions that are found, after the inspection required under this paragraph, to constitute an immediate hazard to health and safety and the closure, consolidation or curtailment will last for more than 1 year in duration, the Secretary shall submit to the Congress, by not later than the date that is 6 months after the date on which the closure, consolidation or curtailment was initiated, a report which sets forth the reasons for such temporary actions and the actions the Secretary is taking to eliminate the conditions that constitute the hazard and the timeline by which such actions will be concluded.

(f) Hazardous Buildings on school grounds

Any other provision of law notwithstanding, if a school board and administration conclude that there is, within the boundary of the school property, a building or structure which constitutes a health and safety hazard or an "attractive nuisance", endangering the students of that school, the School board and administrator may petition the tribal governing body for a resolution asking for its demolition. If the tribal governing body passes such a resolution, the Secretary shall act on it as soon as is possible, and destroy the building or structure constituting the menace.

(g) Funding requirement

(1) Beginning with the fiscal year following the year of the date of enactment of this provision, for all schools funded by the Bureau, all funds appropriated for the operations and maintenance of the schools shall be distributed by formula to the schools. No funds from this account may be retained or segregated by the Bureau to pay for the administrative or other costs of any facilities branch or office, at any level of the Bureau. The Bureau shall make provision to request funds to cover these administrative costs from administrative accounts.

(2) No funds shall be withheld from the distribution to the budget of any school operated under contract or grant by the Bureau of Indian Affairs for

maintenance or any other facilities or road related purpose, unless such school has consented, as a modification to the contract or in writing for grants schools, to the withholding of such funds, including the amount thereof, the purpose for which the funds will be used and the timeline for the services to be provided. The school may, at the end of any fiscal year, cancel said agreement upon giving the Bureau 30 days notice of its intent to do so.

(h) Bearing in mind the trust responsibility of the Federal government to encourage education of Indian students, nothing in this provision shall be construed to diminish any federal funding due to the receipt by the school of funding for facilities improvement or construction from the State or any other source.

Section 1126 - Bureau of Indian Affairs Education functions

(a) Formulation and establishment of policy and procedure; supervision of programs and expenditures.

The Secretary shall vest in the Assistant Secretary for Indian Affairs all functions with respect to the formulation and establishment of policy and procedure, and supervision of programs and expenditures of Federal funds for the purpose of Indian education administered by the Bureau. The Assistant Secretary shall carry out such functions through the Director of the Office of Indian Education Programs.

(b) Direction and supervision of personnel operations

The Director of the Office shall direct and supervise the operations of all personnel directly and substantially involved in the provision of education services by the Bureau, including school or institution custodial and maintenance personnel, facilities management, contracting, procurement and finance personnel.

(c) Education advisors

(1) Subject to the provisions of subsection (g) of this section, all education personnel who are under the direction and supervision of the Director of the Office in accordance with the first sentence of subsection (b) shall be known as education line advisors, and shall be subject to having their positions contracted by the schools in the Area or Agency in which they serve, or, if such positions are not contracted by the schools, by the tribe or tribes in the area or agency in which they serve. In the instance of an agency or area serving more than one school, such contract shall require the consent of a majority of the schools served. In the case where the schools do not contract, and the agency or area serves more than one tribe, such contract shall take the majority action of the tribes who have students being served by Bureau funded schools, as evidenced by action of the tribal governing bodies. The duties of such contracted education advisors will be designated by the contracting entity, subject to negotiation of same with the Director, provided that in the case of a failure to agree on the duties to be performed, the specifications of the contractor shall be controlling. Such contracts shall be for a term of years set at the outset of the contract and shall be subject to renewal at the option of the contractor, provided that at the termination of such contract, the duties of the education advisors shall be subject to amendment and the contractor may make the determination, which determination shall be followed by the Director, that the position no longer supports the schools or tribes involved and should be abolished. Such a determination shall be followed by the Bureau, unless the Assistant Secretary, upon appeal by the Director, finds for good cause and in writing, that such position is necessary to the BureauÆs fulfillment of its responsibilities.

(2) The Director shall perform through Bureau employees under the direction and supervision of the Director only the following duties:

(A) provision of technical assistance to Bureau funded schools and tribes;

(B) provide for Bureau operated schools technical assistance in the areas of budgeting and procurement; and

(C) carry out such assignments as are specifically and unequivocally made by statute, provided that in doing so, the education advisor will exercise the least substantive authority possible, consistent with fulfillment of the task.

Such education advisors will serve in a technical assistance and support capacity and will not serve in a supervisory capacity, except as requested by individual schools, encompassing a request by both the administration and school board of the school.

3) Contracting Mechanism -- The contracting permitted under this subsection shall subject to the provision of Pub. L. 93-638, the Indian Self-Determination and Educational Assistance Act, provided that none of the functions subject to contracting hereunder may be designated by the Secretary as inherently federal functions except fund distribution, student enrollment verification, grant application acceptance, and any reports required by other provision of law to be filed with the federal agency. To the maximum practicable extent, the Secretary shall consolidate these enumerated inherently federal functions into one position in order to facilitate the intent of this subsection.

(d) Construction and improvement of facilities; operation and maintenance of facilities

(1) The Assistant Secretary shall submit in the annual budget a plan--

(A) for school facilities to be constructed under the system required by section 1125 of this Part;

(B) for establishing priorities among projects and for the improvement and repair of educational facilities, which together shall form the basis for the distribution of appropriated funds; and

(C) including a five-year plan for capital improvements.

(2)(A) The Assistant Secretary shall establish a program, including the distribution of appropriated funds, for the operation and maintenance of education facilities. Such program shall include--

(i) a method of computing the amount necessary for each educational facility;

(ii) similar treatment of all Bureau schools;

(iii) a notice of an allocation of appropriated funds from the Director of the Office directly to the appropriate school officials;

(iv) a method for determining the need for, and priority of, facilities repair and maintenance projects, both major and minor, which includes meetings at the agency and area level with representatives of all Bureau funded schools in those areas and agencies to have input into the lists and prioritization of such projects. Such meetings shall include all Bureau funded schools; and

(v) a system for the conduct of routine preventive maintenance.

(B) The appropriate school officials shall make arrangements for the maintenance of education facilities with the local supervisors of the Bureau maintenance personnel who are under the authority of the agency superintendent or area directors, respectively. The local supervisors of Bureau maintenance personnel shall take appropriate action to implement the decisions made by the appropriate school officials, except that no funds under this chapter may be authorized for expenditure unless such appropriate school official is assured that the necessary maintenance has been, or will be, provided in a reasonable manner.

(3) The requirements of this subsection shall be implemented, where they have not already been implemented, immediately.

(e) Acceptance of gifts and bequests

Notwithstanding any other provision of law, the Director shall promulgate guidelines for the establishment of mechanisms for the acceptance of gifts and bequests for the use of, and benefit of, particular schools or designated Bureau operated education programs, including, where appropriate, the establishment and administration of trust funds. When a Bureau operated program is the beneficiary of such a gift or bequest, the Director shall make provisions for monitoring its use, and shall report to the appropriate committees of Congress the amount and terms of such gift or bequest, the use to which such gift or request is put, and any positive results achieved by such action.

(f) Function defined

For the purpose of this section the term "functions" includes powers and duties.

(g) Reorganization of the Bureau of Indian Affairs Education function

(1)(A) Notwithstanding any other provision of law, not later than 120 days after the enactment of this provision, the Secretary shall enter into negotiations with the panel established under GOALS 2000 and representatives of tribes being served by schools funded by the Bureau (such representatives to be chosen on a representative basis and by the tribes affected and to constitute 2/3rds of the panel participants) for the reorganization of the Central Office of the Bureau for all functions as they relate to education, wherever situated administratively. The Secretary shall see there is equitable representation from each area served by the Bureau school system. No later than 270 days after the date of enactment of this provision, the Secretary shall complete such negotiations and publish a plan in the Federal Register for the reorganization of the Central Office, such plan to be decided by the majority vote of the tribal and GOALS representatives participating.

(B) The Plan required under subparagraph (A) shall include consideration of the reorganization of the administrative structure of the Central Office, the need for each function performed by the Central Office and the ability to reorganize and delegate such function to an area or agency office or to a school, the need for the retention of each function or aspect thereof, the staffing/personnel needs for the Central Office and such other issues as shall be identified by the tribal and school representatives participating.

(C) The Secretary shall identify the amount of funding which would be available for reallocation pursuant to the needs for funding for the Central Office before and after the plan developed under this provision for each area having tribes with schools funded by the Bureau. Such funds shall be distributed to the tribes having schools funded by the Bureau, based on the number of schools they have serving their students and the size of such schools, for the establishment and maintenance of Departments or Divisions of Education. At the option of the tribe, the tribe may distribute these funds to the individual schools. Such funds may be combined with any other funds distributed under any other provision of this subsection.

(2)(A) Any other provision of law notwithstanding, beginning with a period 60 days after the completion of the activities encompassed under paragraph (1) of this subsection, at the request of any tribe or school funded by the Bureau served by any Area office, relating to the Area office within which it is located, the Secretary shall enter into negotiations under this paragraph to prepare a plan to reorganize the functions relating to education of each Area office so requested, provided that in an Area where there is located more than one tribe or school funded by the Bureau, the Secretary shall poll the other tribes or schools not making the initial request and shall enter into such negotiations upon a finding that a majority of tribes or schools served support such negotiations. Such negotiations shall cease at any time the Secretary is notified by a majority of tribes or schools affected they no longer support the negotiations.

(B) If a majority of representatives of tribes and schools determine there should be changes in the administrative structure of the education functions of an Area office, the Secretary shall negotiate with those entities on the makeup of the administrative structure for education functions at the Area level, no matter what administrative unit in which such functions are included. Such changes may provide for the reorganization of the administrative structure, the allocation of personnel (including determinations of office size and functions), the delegations of authorities to tribes or schools and the transfer of functions to tribes and schools and such other changes as may be recommended by the tribal or school representatives. One specific part of the plan shall deal with the functions to be retained by the Area office, particularly as they relate to services which are needed to be provided to small schools and tribes. In the construction of the plan for the reorganization, the Secretary shall make special provision for the waiver of any regulation needed to increase the authorities or functions which may be transferred to the tribes or schools.

(C) The Secretary shall identify the amount of funding which would be available for reallocation pursuant to the needs for funding for the Area Office before and after the plan developed under this provision for each Area having tribes with schools funded by the Bureau. Such funds shall be distributed to the tribes having schools funded by the Bureau, based on the number of schools they have serving their students and the size of such schools in each respective Area, for the establishment and maintenance of Departments or Divisions of Education. At the option of the tribe, the tribe may distribute those funds to the individual schools. Such funds may be combined with any other funds distributed under any other provision of this subsection.

(3)(A) Any other provision of law notwithstanding, beginning with a period 60 days after the completion of the activities encompassed under paragraph (1) of this subsection, at the request of any tribe or school funded by the Bureau served by any agency office, relating to the agency office within which it is located, the Secretary shall enter into negotiations under this paragraph to prepare a plan to reorganize the functions relating to education of each agency office so requested, provided that in an agency where there is located more than one tribe or school funded by the Bureau, the Secretary shall poll the other tribes or schools not making the initial request and shall enter into such negotiations upon a finding that a majority of tribes or schools served support such negotiations. Such negotiations shall cease at any time the Secretary is notified by a majority of tribes or schools affected they no longer support the negotiations.

(B) If a majority of representatives of tribes and schools determine there should be changes in the administrative structure of the education functions of an agency office, the Secretary shall negotiate with these entities on the makeup of the administrative structure for education functions at the agency level, no matter what administrative unit in which such functions are included. Such changes may provide for the reorganization of the administrative structure, the allocation of personnel (including determinations of office size and functions), the delegations of authorities to tribes or schools and the transfer of functions to tribes and schools and such other changes as may be recommended by the tribal or school representatives. One specific part of the plan shall deal with the functions to be retained by the agency office, particularly as they relate to services which are needed to be provided to small schools and tribes. In the construction of the plan for the reorganization, the Secretary shall make special provision for the waiver of any regulation needed to increase the authorities or functions which may be transferred to the tribes or schools.

(C) Part of the plan shall call for the calculation of the amount of funds which shall be necessary to operate the agency office under the plan, as opposed to the amount expended on its operation prior to the implementation of the plan, any excess in such amount to be available for redistribution to the tribes. Such funds shall be available for redistribution according to the number of students each tribe had in the schools served by the agency prior to the implementation of the plan, for use by those tribes in the establishment and operation of a Department or Division of Education. At the option of the tribe, the tribe may distribute the funds to schools funded by the Bureau serving students from those tribes. In distributing such funds, a small tribe/school minimum shall be considered.

(4)(A) Nothing in this provision shall be interpreted to allow the Secretary to transfer any of these funds into the Tribal Priority Allocation system. These funds shall be reserved by the tribes for the support of education.

(B) Nothing in this provision shall be interpreted as requiring, nor shall the Secretary or employees of the Bureau require or encourage, tribes or schools to undertake reorganization efforts. Such efforts shall be at such time as the tribes and the schools determine, and shall be totally under the discretion of those entities.

1127 Allotment formula

(a) Factors considered; revision to reflect standards

(1) the Secretary shall establish, by regulation adopted in accordance with section 1137 of this Act, a formula for determining the minimum annual amount of funds necessary to sustain each Bureau funded school. In establishing such formula, the Secretary shall consider--

(A) the number of eligible Indian students served and size of the school;

(B) special cost factors, such as --

(i) the isolation of the school;

(ii) the need for special staffing, transportation or educational programs;

(iii) food and housing costs;

(iv) maintenance and repair costs associated with the physical condition of the educational facilities;

(v) special transportation and other costs of isolated and small schools;

(vi) the costs of boarding arrangements, where determined necessary by a tribal governing body or designated school board;

(vii) costs associated with greater lengths of service by education personnel;

(viii) Notwithstanding any other provision of law, funds authorized under the Act of April 16, 1934, and this Act may be used to augment the services provided in each summer program at the option, and under the control, of the tribe or Indian controlled school receiving such funds.

(ix) special costs for gifted and talented students.

2) Upon the establishment of the standards required in sections 1122 and 1123of this Act, the Secretary shall revise the formula established under this subsection to reflect the cost and funding standards so established. Prior to January 1, 2001, the Secretary shall review the formula established under this section and shall take such steps as are necessary to increase the availability of counseling services for students in off-reservation boarding schools and other Bureau operated residential facilities. Concurrent with such action, the Secretary shall review the standards established under section 1122 of this Act to be certain that adequate provision is made for parental notification regarding, and consent for, such counseling services.

b) Pro rata allotment

Notwithstanding any other provision of law, Federal funds appropriated for the general local operation of Bureau funded schools shall be allotted pro rata in accordance with the formula established under subsection (a) of this section.

c) Annual adjustment; reservation of amount for school board activities

(1) For fiscal year 1990, and for each subsequent fiscal year, the Secretary shall adjust the formula established under subsection (a) of this section to --

(A) use a weighted unit of 1.2 for each eligible Indian student enrolled in the seventh and eighth grades of the school in considering the number of eligible Indian students served by the school;

(B) consider a school with an enrollment of less than 50 eligible Indian students as having an average daily attendance of 50 eligible Indian students for purposes of implementing the adjustment factor for small schools; and

(C) take into account the provision of residential services on less than a 9-month basis at a school when the school board and supervisor of the school determine that a less than 9-month basis will be implemented for the school year involved.

(2)(A) From the funds allotted in accordance with the formula established under subsection (a) of this section for each Bureau school, the local school board of such school may reserve an amount which does not exceed the greater of --

(i) $5,000, or

(ii) the lesser of--

(I) $15,000, or

(II) 1 percent of such allotted funds,

for school board activities for such school , including and notwithstanding any other provision of law, meeting expenses and the cost of membership in, and support of, organizations engaged in activities on behalf of Indian education.

(B) Each school board shall see that each new member of the school board receives, within 12 months of the individual's assuming a position on the school board, 40 hours of training in such subjects as the lawpertaining to schools funded by the Bureau and school boards, ethics, change, and other issues relevant to school board service.

3) The Secretary shall adjust the formula established under subsection (a) of this section to use a weighted unit of 2.0 for each eligible Indian student that--

(A) is gifted and talented; and

(B) is enrolled in the school on a full-time basis,

in considering the number of eligible Indian students served by the school.

4)(A) The Secretary shall adjust the formula established under subsection (a) of this section to use a weighted unit of 0.25 for each eligible Indian student who is enrolled in a year long in an Indian or Native language as part of the regular curriculum of a school, in considering the number of eligible Indian students served by each school.

(B) The adjustment required under subparagraph (A) shall be used for such school after--

(i) the certification of the Indian or Native language curriculum by the school board of such school to the Secretary, together with an estimate of the number of full-time students to be enrolled in the second school year for which the certification is made; and

(ii) the funds appropriated for allotment under this section are designated by the appropriations Act appropriating such funds as the amount necessary to implement such adjustment at such school without reducing allotments made under this section to any school by virtue of such adjustment.

(d) Reservation of amount for emergencies

The Secretary shall reserve from the funds available for distribution for each fiscal year under this section an amount which, in the aggregate, shall equal 1 percent of the funds available for such purpose for that fiscal year. Such funds shall be used, at the discretion of the Director of the Office, to meet emergencies and unforeseen contingencies affecting the education programs funded under this section. Funds reserved under this subsection may only be expended for education services or programs at a schoolsite (as defined by section 2503(c)(2) of this title). Funds reserved under this subsection shall remain available without fiscal year limitation until expended. Whenever, the Director makes funds available under this subsection, the Director shall report such action to the appropriate committees of Congress within the annual budget submission.

(e) Eligible Indian student defined

For the purpose of this section, the term "eligible Indian student" means a student who--

(1) is a member of or is at least 1/4 degree Indian blood descendant of a member of an Indian tribe which is eligible for the special programs and services provided by the United States through the Bureau because of their status as Indians; and

(2) resides on or near an Indian reservation or meets the criteria for attendance at a Bureau off-reservation boarding school.

(f) Tuition

(1) An eligible Indian student may not be charged tuition for attendance at a Bureau school or contract or grant school. A student attending a Bureau school under paragraph (2)(C) may not be charged tuition.

(2) The Secretary may permit the attendance at a Bureau school of a student who is not an eligible Indian student if--

(A) the Secretary determines that the student's attendance will not adversely affect the school's program for eligible Indian students because of cost, overcrowding, or violation of accreditation,

(B) the school board consents,

(C) the student is a dependent of a Bureau, Indian Health Service, or tribal government employee who lives on or near the school site, or

(D) a tuition is paid for the student that is no more than that charged by the nearest public school district for out-of-district students, such tuition to remain at the school in addition to the school's allocation under this section, provided such student does not attract funds under paragraph (4) of this subsection.

(3) The school board of a contract or grant school may permit students who are not eligible Indian students under this subsection to attend its contract or grant school and any tuition collected for these students shall be in addition to funding received under this section.

(4) For students who are not eligible Indian students, where the school board agrees, the administration of the school may apply for funding under the Aid for Schools with Federally Impacted Students (Title VIII of the Elementary and Secondary Education Act, as amended, - Impact Aid), such funds to come directly to the school and to be in addition to any funds received under any other program. The school shall meet all requirements of that Act in making the application and reporting.

(g) Funds available without fiscal year limitation

Notwithstanding any other provision of law, at the election of the school board of a Bureau school made at any time during the fiscal year, a portion equal to not more than 15 percent of the funds allocated with respect to a school under this section for any fiscal year shall remain available to the school for expenditure without fiscal year limitation. The Assistant Secretary shall take steps as may be necessary to implement this provision.

Section 1128 - Administrative cost grants

(a) Purpose, effect upon appropriated amounts

(1) The Secretary shall, subject to the availability of appropriated funds, provide grants to each tribe or tribal organization operating a contract school or grant school in the amount determined under this section with respect to the tribe or tribal organization for the purpose of paying the administrative and indirect costs incurred in operating contract or grant schools in order to--

(A) enable tribes and tribal organizations operating such schools, without reducing direct program services to the beneficiaries of the program, to provide all related administrative overhead services and operations necessary to meet the requirements of law and prudent management practice, and

(B) carry out other necessary support functions which would otherwise be provided by the Secretary or other Federal officers or employees from resources other than direct program funds, in support of comparable Bureau operated programs.

(2) Amounts appropriated to fund the grants provided under this section shall be in addition to, and shall not reduce, the amounts appropriated for the program being administered by the contract or grant school.

(b) Determination of amount; reduction for Federal education program payments; reimbursement by Federal department or agencies

(1) The amount of the grant provided to each tribe or tribal organization under this section for each fiscal year shall be determined by applying the administrative cost percentage rate of the tribe or tribal organization to the aggregate of the Bureau elementary and secondary functions operated by the tribe or tribal organization for which funds are received from or through the Bureau. The administrative cost percentage rate determined under subsection (c) of this section does not apply to other programs operated by the tribe or tribal organization.

(2) The Secretary shall--

(A) reduce the amount of the grant determined under paragraph (1) to the extent that payments for administrative costs are actually received by an Indian tribe or tribal organization under any Federal education program included in the direct cost base of the tribe or tribal organization, and

(B) take such actions as may be necessary to be reimbursed by any other department or agency of the Federal Government for the portion of grants made under this section for the costs of administering any program for Indians that is funded by appropriations made to such other department or agency.

(c) Administrative cost percentage rate

(1). for the purposes of this section, the administrative cost percentage rate for a contract or grant school for a fiscal year is equal to the percentage determined by dividing--

(A) the sum of---
(i) the amount equal to--

(I) the direct cost base of the tribe or tribal organization for the fiscal year, multiplied by

(II) the minimum base rate, plus

(ii) the amount equal to--

(I) the standard direct cost base, multiplied by

(II) the maximum base rate, by

(B) the sum of--

(i) the direct cost base of the tribe or tribal organization for the fiscal year, plus

(ii) the standard direct cost base

(2) the administrative cost percentage rate shall be determined to the 1/100 of a decimal point

(d) Administrative cost account; limitation on availability of funds; effect upon indirect cost recovery determinations

(1)(A) Funds received by a tribe or contract or grant school as grants under this section for tribal elementary or secondary educational programs may be combined by the tribe or contract or grant school into a single administrative cost account without the necessity of maintaining separate funding source accounting.

(B) Indirect cost funds for programs at the school which share common administrative services with tribal elementary or secondary educational programs may be included in the administrative cost account described in subparagraph (A).

(2) Funds received as grants under this section with respect to tribal elementary or secondary education programs shall remain available to the contract or grant school without fiscal year limitation and without diminishing the amount of any grants otherwise payable to the school under this section for any fiscal year beginning after the fiscal year for which the grant is provided.

(3) Funds received as grants under this section for Bureau funded programs operated by a tribe or tribal organization under a contract or agreement shall not be taken into consideration for purposes of indirect cost underrecovery and overrecovery determinations by any Federal agency for any other funds, from whatever source derived.

(4) In applying this section and section 450j of this title with respect to an Indian tribe or tribal organization that--

(A) receives funds under this section for administrative costs incurred in operating a contract or grant school or a school operated under the Tribally Controlled School Act of 1988, and

(B) operates 1 or more other programs under a contract or grant provided under the Indian Self-Determination and Education Assistance Act.

the Secretary shall ensure that the Indian tribe or tribal organization is provided with the full amount of the administrative costs, and of the indirect costs, that are associated with operating the contract or grant school, a school operated under the Tribally Controlled Schools Act of 1988, and all of such other programs, except that funds appropriated for implementation of this section shall be used only to supply the amount of the grant required to be provided by this section.

(e) Definitions

For purposes of this section

(1)(A) The term "administrative cost' means the costs of necessary administrative functions which--

(i) the tribe or tribal organization incurs as a result of operating a tribal elementary or secondary educational program,

(ii) are not customarily paid by comparable Bureau operated programs out of direct program funds, and

(iii) are either --

(I) normally provided for comparable Bureau programs by Federal officials using resources other than Bureau direct program funds, or

(II) are otherwise required of tribal self-determination program operators by law or prudent management practice.

(B) the term "administrative cost' may include--

(i) contract or grant (or other agreement) administration;

(ii) executive, policy, and corporate leadership and decisionmaking;

(iii) program planning, development, and management;

(iv) fiscal, personnel, property, and procurement management;

(v) related office services and record keeping; and

(vi) costs of necessary insurance, auditing, legal, safety and security services.

(2) The term "Bureau elementary and secondary functions' means--

(A) all functions funded at Bureau schools by the Office;

(B) all programs--

(i) funds for which are appropriated to other agencies of the Federal Government; and

(ii) which are administered for the benefit of Indians through Bureau schools; and

(C) all operation, maintenance, and repair funds for facilities and government quarters used in the operation or support of elementary and secondary education functions for the benefit of Indians, from whatever source derived.

(3)(A) Except as otherwise provided in this subparagraph (B), the direct cost base of a tribe or tribal organization for the fiscal year is the aggregate direct cost program funding for all tribal elementary or secondary educational programs operated by the tribe or tribal organization during--

(i) the second fiscal year preceding such fiscal year, or

(ii) if such programs have not been operated by the tribe or tribal organization during the 2 preceding fiscal years, the first fiscal year preceding such fiscal year.

(B) In the case of Bureau elementary or secondary education functions which have not previously been operated by a tribe or tribal organization under contract, grant or agreement with the Bureau, the direct cost base for the initial year shall be the projected aggregate direct cost program funding for all Bureau elementary and secondary functions to be operated by the tribe or tribal organization during that fiscal year.

(4) The term "maximum base rate' means 50 percent.

(5) the term "minimum base rate' means 11 percent.

(6) the term "standard direct cost base' means $600,000.

(7) the term "tribal elementary or secondary educational programs' means all Bureau elementary and secondary functions, together with any other Bureau programs or portions of programs (excluding funds for social services that are appropriated to agencies other than the Bureau and are expended through the Bureau, funds for major subcontracts, construction, and other major capital expenditures, and unexpended funds carried over from prior years) which share common administrative cost functions, that are operated directly by a tribe or tribal organization under a contract, grant, or agreement with the Bureau.

(f) Procedure where amount of funds necessary exceeds appropriated amount

If the total amount of funds necessary to provide grants to tribes and tribal organizations in the amounts determined under subsection (b) of this section for a fiscal year exceeds the amount of funds appropriated to carry out this section for such fiscal year, the Secretary shall reduce the amount of each grant determined under subsection (b) of this section for such fiscal year by an amount that bears the same relationship to such excess as the amount of such grants determined under subsection (b) of this section bears to the total of all grants determined under subsection (b) of this section for all tribes and tribal organizations for such fiscal year.

(g) Applicability to schools operating under Tribally Controlled Schools Act of 1988

The provisions of this section shall also apply to those schools operating under the Tribally Controlled Schools Act of 1988.

Section 1129 Uniform Direct Funding and Support

(a) Establishment of system and Forward Funding

(1) The Secretary shall establish, by regulation adopted in accordance with section 1137 of this Part, a system for the direct funding and support of all Bureau funded schools. Such system shall allot funds in accordance with section 1127 of this Part. All amounts appropriated for distribution under this section may be made available under paragraph (2).

(2)(A) For the purposes of affording adequate notice of funding available pursuant to the allotments made by section 1127 of this title, amounts appropriated in an appropriations Act for any fiscal year shall become available for obligation by the affected schools on July 1 of the fiscal year in which such amounts are appropriated without further action by the Secretary, and shall remain available for obligation through the succeeding fiscal year.

(B) For the period of time between the date of enactment of the appropriations to become available on July 1 of a fiscal year (as set forth in subparagraph (A) infra), and the July 1 date, the Secretary of the Interior and the Secretary of the Treasury shall take such action as may be necessary to segregate these funds in such a manner that they can be identified as being for distribution under this paragraph. These funds shall earn interest from the Treasury at the amount equal to the average of other funds borrowed by the Treasury during this period for meeting obligations of the United States. Such interest shall be added to these funds when such funds become available for distribution on July 1, as set forth in subparagraph (A) infra, increasing such funds above what was enacted in the original appropriations measure. The use of such interest from these funds shall be subject to the decisions of the local school board. No reduction in funding to the schools receiving such authority for distribution shall take place because of the presence of these funds. The increase in funds occasioned by this paragraph shall be pro-ratably distributed with the first payment required under this section based upon the average daily membership of schools eligible for funding under this Act.

(C) The Secretary shall, on the basis of the amount appropriated in accordance with this paragraph—

(i) publish, on July 1 of the fiscal year for which the funds are appropriated, allotments to each affected school made under section 1127 of this Part of 85 percent of such appropriation; and

(ii) publish, not later than September 30 of such fiscal year, the allotments to be made under section 1127 of this title of the remaining 15 percent of such appropriation, adjusted to reflect actual costs depending on the actual student attendance.

(3)(A) Notwithstanding any law or regulation, the supervisor of a Bureau school may expend an aggregate of not more than $50,000 of the amount allotted the school under section 1127 of this Part to acquire supplies and equipment and services for the school without competitive bidding if—

(i) the cost for any single item purchased does not exceed $10,000;

(ii) the school board approves the procurement;

(iii) the supervisor certifies that the cost is fair and reasonable;

(iv) the documents relating to the procurement executed by the supervisor or other school staff cite this paragraph as authority for the procurement; and

(v) the transaction is documented in a journal maintained at the school clearly identifying when the transaction occurred, what was acquired and from whom, the price paid, the quantities acquired, and other information the supervisor or school board considers relevant.

The Secretary shall, no later than 6 months after the date of enactment of this provision, cause to be sent to each supervisor of a Bureau operated program and school board chairperson, and to the education line advisors of each agency and area and to the Bureau Division in charge of procurement, at both the local and national levels, a copy of this provision. The Secretary shall take such steps as may be necessary, including disciplinary action, to see that the implementation of this provision at the school level is not interfered with in any way.

(B) The Director shall be responsible for determining the application of this paragraph, including the authorization of specific individuals to carry out this paragraph, provided that the Director shall ensure that there is at least one such individual at each Bureau facility, and shall be responsible for the provision of guidelines on the use of this paragraph and adequate training on such guidelines.

(b) Local financial plans for expenditure of funds

In the case of all Bureau operated schools, allotted funds shall be expended on the basis of local financial plans which ensure meeting the accreditation requirements for the school established pursuant to section 1122 and which shall be prepared by the local school supervisor in active consultation with the local school board for each school, and the local school board for each school shall have the authority to ratify, reject, or amend such financial plan, and expenditures thereunder, and, on its own determination or in response to the supervisor of the school, to revise such financial plan to meet needs not foreseen at the time of preparation of the financial plan. The supervisor shall put into effect the decisions of the school board. The supervisor shall provide the appropriate union representative of the education employees with copies of proposed draft financial plans and all amendments or modifications thereto, at the same time such copies are submitted to the local school board.

(c) Tribal division of education - Self Determination Act funds

The Secretary may approve applications for funding tribal divisions of education and development of tribal codes of education and standards for tribal accreditation from funds appropriated pursuant to section 450h(a) of this title.

(d) Technical assistance and training

In the exercise of its authority under this section, a local school board may request technical assistance and training from the Secretary, and the Secretary shall, to the greatest extent possible, provide such services, and make appropriate provisions in the budget of the Office for such services.

(e) Cooperative agreements

(1) From funds allotted to a Bureau school under section 1127 of this Part, the Secretary shall, if specifically requested by the tribal governing body, implement any cooperative agreement entered into between the tribe, the Bureau school board, and the local public school district which meets the requirements of paragraph (2) and involves the school. The tribe, the Bureau school board, and the local public school district shall determine the terms of the agreement. Such agreement may encompass coordination of all or part of the following:

(A) Academic program and curriculum, unless the Bureau school is currently accredited by a State or regional or national or tribal accrediting entity and would not continue to be so accredited.

(B) Support services, including procurement and facilities maintenance.

(C) Transportation.

(2) Each agreement entered into pursuant to the authority provided in paragraph (1) shall confer a benefit upon the Bureau school commensurate with the burden assumed, though this requirement shall not be construed so as to require equal expenditures or exchange of services.

(f) Product or result of student projects

Notwithstanding any other provision of law, where there is agreement on action between the superintendent and the school board of a Bureau funded school, the product or result of a project conducted in whole or in major part by a student may be given to that student upon the completion of the project.

(g) Notwithstanding any other provision of law, no requirement in statute requiring matching funds or an amount of services or in-kind activity shall apply to Bureau funded schools. Nothing in this provision shall negatively influence the application of any Bureau funded school to participate in any program or project which has such a matching requirement. Such application of such schools shall be considered as if they had fully met the matching requirement.

Section 1130 Policy for Indian control of Indian education

(a) Facilitation of Indian control

It shall be the policy of the Secretary and the Bureau, in carrying out the functions of the Bureau, to facilitate Indian control of Indian affairs in all matters relating to education.

(b) Consultation with tribes

(1) All actions under this Act and this title relating to education and any activity providing support for education shall be done with active consultation with tribes.

(2) The consultation required under paragraph (1) means a process involving the open discussion and joint deliberation of all options with respect to potential issues or changes between the Bureau and all interested parties. During such discussions and joint deliberations, interested parties (including tribes and school officials) shall be given an opportunity to present issues including proposals regarding changes in current practices or programs which will be considered for future action by the Bureau. All interested parties shall be given an opportunity to participate and discuss the options presented or to present other alternatives, with the views and concerns of the interested parties given effect unless the Secretary determines, from information educed or presented by the interested parties during 1 or more of the discussions and deliberations, that there is a substantial reason for another course of action. The Secretary shall submit to any Member of Congress, within 18 days of the receipt of a written request by such Member, a written explanation of any decision made by the Secretary which is not consistent with the views of the interested parties.

Section 1131 Education Personnel

(a) In general

(1) Chapter 51, subchapter III of Chapter 53, subchapter ___ of Chapter ___ and Chapter 63 of title 5, relating to classification, pay and leave, respectively, of the sections of such title relating to the appointment, promotion, hours of work, and removal of civil service employees, shall not apply to educators or to education positions (as defined in subsection (p) of this section).

(2) Definition - for purposes of this section, the term "subordinate field office"shall mean any area, agency or other non-Central Office unit of the Office of Indian Affairs, providing that it shall not refer to schools or peripheral dormitories.

(b) The provisions of part 38 of Title 25 of the Code of Federal regulations, as in effect on January 1, 1999, relating to the topics covered in this subsection, are incorporated into this Act and shall be treated as though such provisions are set forth in this subsection, provided that for a period of 12 months after the date of enactment of this provision, the Secretary may make such changes in those regulations as are specifically required to bring them into conformity with this enactment. After such period, and with respect to any subject which is not specifically affected by this enactment, such provisions may be altered only by means of an amendment to this subsection that is contained in an Act or joint resolution which is enacted into law. To the extent that any such provisions of part 38 do not conform with this Act or any statutory provision of law, the provisions of this Act and the provisions of such other statutory law shall govern. Such regulations shall govern all education positions including positions located in the Office of the Director and all subordinate field offices —

(1) the establishment of education positions,

(2) the establishment of qualifications for educators and education positions,

(3) the fixing of basic compensation for educators and education positions,

(4) the appointment of educators,

(5) the discharge of educators,

(6) the entitlement of educators to compensation,

(7) the payment of compensation to educators,

(8) the conditions of employment of educators

(9) the leave system for educators, and

(10) such matters as may be appropriate

(c) Qualifications of educators

(1) In established regulations governing qualifications of all contract educators, the Secretary shall require:

(A)(i) that lists of qualified and interviewed applicants for education positions be maintained in the appropriate office of the Office of Indian Education Programs.

(B) that a local school board shall have the authority to waive on a case-by-case basis, any formal education or degree qualification established by regulations in order for a tribal member to be hired in an educational position to teach courses in tribal culture and language. A determination by a school board that such a person shall be hired shall be followed by the supervisor.

(2) The Secretary may authorize the temporary employment in an education position of an individual who has not met the certification standards established pursuant to regulations, if the Secretary determines the failure to do so would result in that position remaining vacant.

(d) Hiring of educators

(1) In regulations governing the appointment of educators, the Secretary shall require--

(A)(i) that educators employed in a Bureau school (other than the supervisor of the school) shall be hired by the supervisor of the school;

(ii) each school supervisor shall be hired by the appropriate supervisor of the subordinate field office

(iii) educators employed in a subordinate field office of the Office of Indian Education Programs (other than the subordinate field officer supervisor) shall be hired by the appropriate supervisor of the subordinate field office; and

(iv) each supervisor of a subordinate field office and educators employed in the Office of the Director of Indian Education Programs shall be hired by the Director.

(B) that before an individual is employed in an education position in a school by the supervisor of a school (or, with respect to the position of supervisor, by the appropriate supervisor of the subordinate field offices), the local school board for the school shall be consulted. A determination by the school board that such individual should or should not be employed shall be followed by the supervisor (or with respect to the supervisor, by the appropriate supervisor of the subordinate field office).

(C) that before an individual may be employed in an education position at subordinate field officer level (or with respect to the position of supervisor of the appropriate subordinate field office by the Director), their appropriate agency school board (serving schools in the subordinate field office) shall be consulted. A determination by such school board that such individual should or should not be employed shall be followed.

(D) that before an individual may be employed in an education position in the Office of the Director (other than the position of Director), the national school boards representing all Bureau schools shall be consulted. A consensus determination by such boards that such individual should or should not be employed shall be followed by the Director.

(e) Conditions of employment of educators:

(1) Regarding the employment of educators, the Secretary shall see --

(A) that procedures be established for the rapid and equitable resolution of grievances of educators;

(B) that no educator during the term of their contract may be discharged without notice of the reasons thereof and without being given an opportunity for a hearing under procedures that comport to the requirements of due process, and

(C) educators be notified 30 days prior to the end of their contract whether their employment contract will be renewed for the following year.

(2) The supervisor of a contract educator may discharge for cause any educator employed in such school. Upon giving notice of proposed discharge to an educator, the supervisor involved shall immediately notify the appropriate school board of such action. A determination by the school board that such educator shall not be discharged shall be followed by the supervisor. The supervisor shall have the right to appeal such action to the next highest direct officer in his/her chain of command. Upon such appeal, the stated officer may, for good cause and in writing to the local school board, overturn the determination of the school board with respect to the employment of such individual.

(3) Each appropriate school board shall have the right--

(A) to recommend to the supervisor that an educator employed by the Office of Indian Education Programs be discharged; and

(B) to recommend to the supervisor of the appropriate subordinate field office or to the Director of the Office, that the supervisor of the school be discharged.

(f) Indian Preference

(1) Notwithstanding any provision of the Indian preference laws, such laws shall not apply in the case of any personnel action within the purview of this section respecting an applicant or employee not entitled to Indian preference if

each tribal governing body or organization grants, in writing, a waiver of the application of such laws with respect to such personnel action, if such waiver is in writing deemed to be a necessity by the tribal governing body or organization, except that this paragraph shall in no way relieve the Bureau of the bureau's responsibility to issue timely and adequate announcements and advertisements concerning any such personnel action if such action is intended to fill a vacancy.

(2) For the purposes of this subsection, the tribal governing body or organization may, in connection with personnel actions referred to in this subsection, delegate to any school board (as defined in this Title) the authority to grant a waiver under such subsection with respect to such personnel action.

(3) The term "Indian preference laws' means section 472 of this title or any other provision of law granting a preference to Indians in promotions and other personnel actions, except such term shall not be considered to include section 450e(b) of this title.

(g) Compensation or annual salary

(1)(A) Except as otherwise provided in this section, the Secretary shall fix the basic compensation rate for educators and education positions at rates in effect under the General Schedule for individuals with comparable qualifications, to whom chapter 51 of title 5 is applicable or on the basis of the Federal Wage System schedule in effect for the locality, and for the comparable positions, the rates of compensation in effect for the senior executive service.

(B) The Secretary shall establish the rates of basic compensation , or annual salary rates, for the positions of teachers and counselors (including dormitory counselors and home living) at the rates of basic compensation applicable on the date of enactment of this provision to comparable positions in the overseas schools under the Defense Department Overseas Teachers Pay Act. The Secretary shall allow the local school boards authority to implement only the aspects of the Defense Department Overseas Teacher pay provisions that are considered essential for recruitment and retention. Implementation is not to be construed to totally duplicate all aspects of the Department of Defense teachers pay Act.

(C)(1) Beginning with the fiscal year following the fiscal year of the enactment of this provision, each school board shall have the option, and the Secretary shall give effect to the decision of said option, to pay teachers and counselors (including academic counselors) who are new hires at the school and who have not worked at the school on the date of implementation of this provision at rates consistent with the rates paid for individuals in the same positions, with the same tenure and training, in the public school within whose boundaries the Bureau school lies. In the case where such a provision leads to the payment of compensation at a rate which is less than in the fiscal year of enactment, the new rates may be applied to the compensation of employees of the school who worked at the school as of the date of implementation of this provision by application of those rates to each contract renewal in such a fashion that the reductions take effect in three equal installments. Where such rates lead to an increase in payment of compensation from the year of enactment, it shall be at the option of the Board whether to make the new rates applicable at the next contract renewal or to phase them in over three equal increases.

(2) The establishment of rates of basic compensation and annual salary rates by the Secretary under subparagraphs (B) and (C) shall not preclude the use of regulations and procedures used by the Bureau before April 28, 1988, in making determinations regarding promotions and advancements through levels of pay that are based on the merit, education, experience, or tenure of the educator.

(E) The establishment of rates of basic compensation and annual salary rates by the Secretary under subparagraphs (B) and (C) shall not affect the continued employment or compensation of an educator who was employed in an education position on October 31, 1979 and who did not make an election under subparagraph (o) of this section as this statute existed on January 1, 1990.

(2)(A) The Secretary may pay a postdifferential not to exceed 25 of the rate of basic compensation, on the basis of conditions of environment or work which warrant additional pay as a recruitment and retention incentive.

(B)(i) Upon the request of the supervisor and the local school board of a Bureau school, the Secretary shall grant the supervisor of the school authorization to provide 1 or more post differentials under subparagraph (A) unless the Secretary determines for clear and convincing reasons (and advises the board in writing of those reasons) that certain of the requested post differentials should be disapproved or decreased because there is no disparity of compensation for the involved employee or positions in the Bureau school, as compared with the nearest public school, that is either--

(I) at least 5 percent, or

(II) less than 5 percent and affects the recruitment or retention of employees at the school.

(ii) The request under clause (i) shall be deemed granted as requested at the end of the 60th day after the request is received in the Central Office of the Bureau unless before that time the request is approved, approved with modification, or disapproved by the Secretary.

(iii) The Secretary or the supervisor of a Bureau school may discontinue or decrease a post differential authorized by reason of this subparagraph at the beginning of a school year after either---

(I) the local school board requests that such differential be discontinued or decreased, or

(II) the Secretary or the supervisor determines by clear and convincing reasons (and advises the board in writing of those reasons) that there is no disparity of compensation that would affect the recruitment or retention of employees at the school after the differential is discontinued or decreased.

(iv) On or before February 1 of each year, the Secretary shall submit to Congress a report describing the requests and grants of authority under this subparagraph during the previous year and listing the positions contracted under those grants of authority.

(h) Annual and sick leave

Annual and sick leave for positions shall be provided under regulations prescribed pursuant to subsection (b)(10) of this section.

(i) Liquidation of remaining leave upon termination

(1) Upon termination of employment with the Bureau, any annual leave remaining to the credit of an individual within the purview of this section shall be liquidated in accordance with sections 5551(a) and 6306 of title 5, except that leave earned or accrued under regulations prescribed pursuant to subsection (b)(10) of this section shall not be so liquidated.

(2) In any instance in which such leave must be liquidated, it shall be liquidated in three equal payments to the individual of the monetary value of such leave, the first payment for such leave to be made in the fiscal year following the termination of employment.

(j) Transfer of remaining sick leave upon transfer, promotion or reemployment

In the case of any educator who is transferred, promoted, or reappointed, without break in service, to a position in the Federal government under a different leave system, any remaining sick leave to the credit of such person earned or credited under the regulations prescribed pursuant to subsection (b)(10) of this section shall be transferred to such person's credit in the employing agency.

(k) Ineligibility for employment of voluntary terminated educators

An educator who voluntarily terminates employment with the Bureau before the expiration of the existing employment contract between such educator and the Bureau shall not be eligible to be employed in another education position in the Bureau during the remainder of the term of such contract.

l) Dual compensation

In the case of any educator employed in an education position described in subsection (a)(1)(A) of this section who–

(1) is employed at the close of a school year,

(2) agrees in writing to serve in such position for the next school year, and

(3) is employed in another position during the recess period immediately preceding such next school year, or during such recess period receives additional compensation referred to in section 5533 of Title 5, relating to dual compensation, shall not apply to such educator by reason of any such employment during a recess period for any receipt of additional compensation.

(m) Voluntary services

Notwithstanding section 1342 of title 312, the Secretary may, subject to the approval of the local school board concerned, accept voluntary services on behalf of Bureau schools. Nothing in this section shall be construed to require Federal employees to work without compensation or to allow the use of volunteer services to displace or replace Federal employees. An individual providing voluntary services under this section is a Federal employee only for the purposes of chapter 81 of title 5, and chapter 171 of title 28.

(n) Proration of pay

(1) Election of employee

Notwithstanding any other provision of law, including laws relating to dual compensation, the Secretary, at the election of the employee, shall prorate the salary of the employee over a 12 month period. Each educator employed for the academic year shall annually elect to be paid on a 12-month basis or for those months while school is in session. No educator shall suffer a loss of pay or benefits, including benefits such as unemployment or other Federal or federally assisted programs, because of such election.

(2) Change of election

During the course of such year the employee may change election once.

(3) Lump sum payment

That portion of the employee's pay which would be paid between academic school years may be paid in lump sum at the election of the employee.

(4) This section applies to those individuals employed under the provisions of section 1131 of this Part or title 5.

(o) Extracurricular activities

(1) Stipend

Notwithstanding any other provision of law, the Secretary may provide, for each Bureau area, a stipend in lieu of overtime premium pay or compensatory time off. Any employee of the Bureau who performs additional activities to provide services to students or otherwise support the school's academic and social programs may elect to be compensated for all such work on the basis of the stipend. Such stipend shall be paid as a supplement to the employee's base pay.

(2) Election not to receive stipend

If an employee elects not to be compensated through the stipend established by this section, the appropriate provisions of Title 5 shall apply

(p) Definitions

For the purpose of this section–

(1) the term "education position" means a position controlled and directed by the Office of Indian Education Programs.

(2) the term "educator means an individual whose services are required or who is employed, in an education position.

(q) Covered individuals;election

This section shall apply to an educator hired after November 12, 1979 (and to any educator who elected to have these provisions apply to him/her after said date) and to any educator covered under paragraph (p)(2) and to the position in which such individual is employed. The enactment of this section shall not affect the continued employment of an individual employed on October 31, 1979 in an education position, or such person's right to receive the compensation attached to such position.

Section 1132 Management Information system

The Secretary shall establish within the office a computerized management information system, which shall provide information to the Office.

Section 1133 Uniform education procedures and practices

The Secretary shall cause the various divisions of the Bureau to formulate uniform procedures and practices with respect to such concerns of those divisions as relate to education, and shall report such practices and procedures to the Congress.

Section 1134 Recruitment of Indian educators

The Secretary shall institute a policy for the recruitment of qualified Indian educators and a detailed plan to promote employees from within the Bureau. Such plan shall include opportunities for acquiring work experience prior to actual work assignment.

Section 1135 Annual Report

(a) In general

The Secretary shall submit to each appropriate committee of Congress, the tribes and the affected schools, a detailed annual report on the state of education within the Bureau and any problems encountered in the field of education during the year. Such report shall contain suggestions for improving the Bureau educational system and increasing local Indian control of such system.

(b) Financial and compliance audits

The Inspector General of the Department of the Interior shall establish a system to ensure that financial and compliance audits are conducted of each Bureau school at least once in every three years. Audits of Bureau schools shall be based upon the extent to which such school has complied with its local financial plan under section 1129 of this Part.

(c) Beginning with January 1, 2002, no employee of the Central Office of the BIA Office of Indian Education Programs shall be permitted to travel at Government expense in any calendar year until the annual report for the previous school year, as described in Section 1122(c) above, has been published in the Federal Register.

Section 1136 Rights of Indian students

The Secretary shall prescribe such rules and regulations as are necessary to ensure the constitutional and civil rights of Indian students attending Bureau schools, including such students' right to privacy under the laws of the United States, such students' right to freedom of religion and expression and such students' right to due process and consistency with appropriate customs and practices of said students Tribe in connection with disciplinary actions, suspensions, and expulsions.

Section 1137 Regulations

(a) The Secretary is authorized to issue only such regulations as are necessary to ensure compliance with the specific provision of this Act. The Secretary shall publish proposed regulations in the Federal Register, shall provide a period of not less than 30 days for public comment thereon, and shall place in parentheses after each regulatory section the citation to the statutory provision(s) providing authority to promulgate such regulatory provision.

(b) Prior to publishing any proposed regulations and prior to establishing the negotiated rulemaking committee required by subsection (c), the Secretary shall convene regional meetings with representatives of Bureau funded schools, representatives of Bureau employees, and tribal officials, parents, teachers and school board members of tribes served by Bureau funded schools to provide guidance to the Secretary on the content of regulations authorized to be issued under this Act and the Tribally Controlled Schools Act of 1988, as amended.

(c)(1) Notwithstanding sections 563(a) and 565(a) of title 5, the Secretary shall promulgate such regulations as the Secretary is authorized to issue pursuant to subsection (a) and the Tribally Controlled Schools Act of 1988, as amended, in accordance with a negotiated rulemaking procedure under subchapter III of chapter 5 of title 5, and shall publish the final regulations in the Code of Federal Regulations.

(2) The authority of the Secretary to promulgate regulations under this Act and the Tribally Controlled Schools Act of 1988, as amended, shall expire if final regulations are not promulgated within 18 months after the date of enactment of this Act.

(3) NEGOTIATED RULEMAKING COMMITTEE. -- In establishing a negotiated rulemaking committee to carry out this subsection, the Secretary shall --

(A) apply the procedures under subchapter III of chapter 5 of title 5 in a manner that reflects the unique government-to-government relationship between the Indian tribes and the United States;

(B) ensure that the membership of the negotiated rulemaking committee includes only representatives of the Federal Government and of tribes served by Bureau-funded schools;

(C) select the tribal representative members of the negotiated rulemaking committee from among the individuals nominated by the representatives of the tribal and tribally-operated school participants at the regional consultation meetings convened by the Secretary pursuant to subsection (b);

(D) ensure, to the maximum extent possible, that the tribal representative membership on the negotiated rulemaking committee reflects the proportionate share of students from tribes served by the Bureau funded school system; and

(E) comply with the Federal Advisory Committee Act, 5 USC App. 2.

(4) There are authorized to be appropriated such sums as necessary to carry out the negotiated rulemaking provided for under this section, provided, that in absence of a specific appropriation for this purpose, the Secretary shall cover the costs of the negotiated rulemaking proceeding from the general administrative funds appropriated to the Department of the Interior.

(5) If the Secretary determines that an extension of the deadline under subsection (c)(2) is appropriate, the Secretary may submit proposed legislation to Congress for extension of such deadline.

(d)(1) The provisions of this Act shall supersede any conflicting provisions of law (including any conflicting regulations) in effect on the day before the date of enactment of this Act, and the Secretary is authorized to repeal any regulation inconsistent with the provisions of this Act.

(2) The Secretary may revise or amend regulations promulgated under this Act or the Tribally Controlled Schools Act of 1988, as amended, only in accord with the provisions of this section.

Section 1138 Definitions

For the purpose of this Part, unless otherwise specified--

(1) the term agency school board means a body, the members of which are appointed by all of the school boards of the schools located within an agency, including schools operated under contract or grant, and the number of members shall be determined by the Secretary in consultation with the affected tribes, except that, in agencies serving a single school, the school board of such school shall fulfill these duties, and in agencies having schools or a school operated under contract or grant, one such member at least shall be from such a school;

(2) The term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior;

(3) the term "Bureau funded school" means--

(A) a Bureau school;

(B) a contract school; or

(C) a school for which assistance is provided under the Tribally Controlled Schools Act of 1988;

(4) the term "Bureau school" means a Bureau operated elementary or secondary day or boarding school or a Bureau operated dormitory for students attending a school other than a Bureau school;

(5) the term "contract or grant school" means an elementary or secondary school or dormitory which receives financial assistance for its operation under a contract, grant or agreement with the Bureau under section 450f, 450h(a) or 458d of this title or under the Tribally Controlled Schools Act of 1988;

(6) the term "financial plan" means a plan of services provided by each Bureau school;

(7) the term "Indian organization" means any group, association, partnership, corporation, or other legal entity owned or controlled by a federal recognized Indian tribe or tribes, or a majority of whose members are members of federally recognized tribes;

(8) the term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and director of free public education in a county, township, independent, or other school district located within a State, and includes any State agency which directly operates and maintains facilities for providing free public education.

(9) the term "local school board", when used with respect to a Bureau school, means a body chosen in accordance with the laws of the tribe to be served or, in the absence of such laws, elected by the parents of the Indian children attending the school, except that in schools serving a substantial number of students from different tribes, the members shall be appointed by the governing bodies of the tribes affected, and the number of such members shall be determined by the Secretary in consultation with the affected tribes;

(10) the term "Office" means the Office of Indian Education Programs within the Bureau;

(11) the term "Secretary" means the Secretary of the Interior;

(12) the term "supervisor" means the individual in the position of ultimate authority at a Bureau school; and

(13) the term "tribal governing body" means, with respect to any school, the tribal governing body, or tribal governing bodies, that represent at least 90 percent of the students served by such school.

(14) the term "tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

Section 1139 Early Childhood Development program

(a) In general

The Secretary shall provide grants to tribes, tribal organizations, and consortia of tribes and tribal organizations to fund early childhood development programs that are operated by such tribes, organizations, or consortia.

(b) Amount of grant

(1) The total amount of the grants provided under subsection (a) of this section with respect to each tribe, tribal organization, or consortium of tribes or tribal organizations for each fiscal year shall be equal to the amount which bears the same relationship to the total amount appropriated under the authority of subsection (f) of this section for such fiscal year (less amounts provided under subsection (e) of this section) as--

(A) the total number of children under 6 years of age who are members of –

(i) such tribe,
(ii) the tribe that authorized such tribal organization, or
(iii) any tribe that--
(I) is a member of such consortium, or
(II) authorizes any tribal organization that is a member of such consortium, bears to

(B) the total number of all children under 6 years of age who are members of any tribe that--
(i) is eligible to receive funds under subsection (a) of this section.
(ii) is a member of a consortium that is eligible to receive such funds, or
(iii) authorizes a tribal organization that is eligible to receive such funds.

(2) No grant may be provided under subsection (a) of this section--

(A) to any tribe that has less than 500 members,

(B) to any tribal organization which is authorized –
(i) by only one tribe that has less than 500 members, or
(ii) by 1 or more tribes that have a combined total membership of less than 500 members, or

(C) to any consortium of tribes, or tribal organizations authorized by tribes, that have a combined total membership of less than 500 members.

(c) Application

(1) A grant may be provided under subsection (a) of this section to a tribe, tribal organization, or consortia of tribes and tribal organizations only if the tribe, organization or consortia submits to the Secretary an application for a grant at such time and in such form as the Secretary shall prescribe.

(2) Applications submitted under paragraph (1) shall set forth the early childhood development program that the applicant desires to operate.

(d) Functions of programs

The early childhood development programs that are funded by grants provided under subsection (a) of this section--

(1) shall coordinate existing programs and may provide services that meet identified needs of parents and children under 6 years of age which are not being met by existing programs, including--

(A) prenatal care,

(B) nutrition education,

(C) health education and screening,

(D) educational testing, and

(E) other educational services,

(2) may include instruction in the language, art, and culture of the tribe, and

(3) shall provide for periodic assessment of the program.

(e) Administrative costs

The Secretary shall, out of funds appropriated under the authority of subsection (f) of this section, include in the grants provided under subsection (a) of this section amounts for administrative costs incurred by the tribe or tribal organization in establishing and maintaining the early childhood development program.

(f) Authorization of appropriations

For the purpose of carrying out the provisions of this section, there are authorized to be appropriated such sums as may be necessary for each succeeding fiscal year.

Section 1140 Tribal departments or divisions of education

(a) In general

Subject to the availability of appropriations, the Secretary shall provide grants and technical assistance to tribes for the development and operation of tribal departments or divisions of education for the purpose of planning and coordinating all educational programs of the tribe.

(b) Grants

Grants provided under this section shall –

(1) be based on applications from the governing body of the tribe.

(2) reflect factors such as geographic and population diversity.

(3) facilitate tribal control in all matters relating to the education of Indian children on Indian reservations and on former Indian reservations in Oklahoma,

(4) provide for the development of coordinated educational programs on Indian reservations (including all preschool, elementary, secondary, and higher or vocational educational programs funded by tribal, Federal, or other sources) by encouraging tribal administrative support of all Bureau funded educational programs as well as encouraging tribal cooperation and coordination with all educational programs receiving financial support from State agencies, other Federal agencies, or private entities,

(5) provide for the development and enforcement of tribal educational codes, including tribal educational policies and tribal standards applicable to curriculum, personnel, students, facilities, and support programs, and

(6) otherwise comply with regulations for grants under section 450h(a) of this title that are in effect on the date application for such grants are made.

(c) Priorities

(1) In approving and funding applications for grants under this section, the Secretary shall give priority to any application that –

(A) includes assurances from the majority of Bureau funded schools located within the boundaries of the reservation of the applicant that the tribal department or divisions of education to be funded under this section will provide coordinating services and technical assistance to all of such schools, including the submission to each applicable agency of a unified application for funding for all such schools which provides that--

(i) no administrative costs other than those attributable to the individual programs of such schools will be associated with the unified application, and

(ii) the distribution of all funds received under the unified application will be equal to the amount of funds provided by the applicable agency to which each of such schools is entitled by law,

(B) includes assurances from the tribal governing body that the tribal department or divisions of education funded under this section will administer all contracts or grants (except those covered by the provisions of this chapter and the Tribally Controlled Community College Assistance Act of 1978 for education programs administered by the tribe and will coordinate all of the programs to the greatest extent possible,

(C) includes assurances for the monitoring and auditing by or through the tribal department of education of all education programs for which funds are provided by contract or grant to ensure that the programs meet the requirements of law, and

(D) provides a plan and schedule for--

(i) the assumption over the term of the grant by the tribal department or division of education of all assets and functions of the Bureau agency office associated with the tribe, insofar as those responsibilities relate to education, and

(ii) the termination by the Bureau of such operations and office at the time of such assumption,

except that when mutually agreeable between the tribal governing body and the Assistant Secretary, the period in which such assumption is to occur may be modified, reduced, or extended after the initial year of the grant.

(2) Subject to the availability of appropriated funds, grants provided under this section shall be provided for a period of 3 years and the grant may, if performance by the grantee is satisfactory to the Secretary, be renewed for additional 3-year terms.

(d) Terms, conditions or requirements

The Secretary shall not impose any terms, conditions, or requirements on the provision of grants under this section that are not specified in this section.

(e) Authorization of appropriations

For the purpose of carrying out the provisions of this section, there are authorized to be appropriated such sums as may be necessary for each succeeding fiscal year.

Amendments to the Tribally Controlled Grants Schools Act.

Section 3 - "The following Amendments are made to the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.):

(a) - Section 2503(a)(3)(C) of Part B of title V of P.L. 100-297, the Tribally Controlled School School Act (hereinafter referred to as the Tribally Controlled Grants School Act) is amended to read as follows:

"(C) If funds allocated to a tribally controlled school under the Individuals with Disabilities Education Act are included in a grant provided under this Part, a portion of the grant equal to the amount of the funds allocated under such law shall be expended only for those activities for which funds provided under such law must be expended under the terms of such law."

(b) - Section 2503(c) of the Tribally Controlled Schools Act is amended by adding at the end thereof the following new paragraph:

"(3) Nothing in this or any other section of this law shall be interpreted as authorizing a tribe to require individual grantees, where the tribe is not the grantee but the grantee is a school board, Indian organization or other entity, to move money between grantees."

(c) - Section 2503(c)(2) is further amended by striking the term "under contract"and substituting therefore the term "under contract or grant".

(d) - Section 2503(f) is amended by deleting the term "an"the first time it appears and substituting therefore "a".

(e) - Section 2504(b) of the Tribally Controlled Schools Act is amended by adding at the end thereof the following new paragraph:

"(6) Any other provision of law notwithstanding, this provision shall be interpreted so as to afford the tribally controlled grant school authority the right of first refusal over the administration and inclusion in the grant of any facilities funds referenced under paragraph (a)(2) of this section.ô

(f) - Section 2505(b)(2)(C) of the Tribally Controlled Schools Act is amended by:

1) inserting the term "only"between the terms "consider"and "whether"

2) amending clause (iii) to read "ability to adequately manage a school,", and

3) deleting the ", or"at the end of clause (iv), inserting in lieu thereof a "."and deleting clause (v).

(g) - Subsection 2505(d) of the Tribally Controlled School Act is amended by adding an "A"immediately after the current designation for paragraph "(2)", and adding at the end of paragraph "(2)"the following new subparagraph:

"(B) The requirement that a tribe take an "action""authorizing"the grant is to assure the Secretary that the tribe, acting within the scope of its sovereignty, has approved of this grant. However, nothing in such action shall interpreted as making the tribe a party to the grant (unless the tribe is the grantee) or shall be interpreted as making the tribe financially or programmatically responsible for the actions of the grantee. Nothing in this requirement shall be interpreted as making the tribe stand surety for the granteeÆs performance. This is a clarification of existing policy and is not intended to be interpreted as a new policy or as altering policy which has existed since the inception of the Act."

(h) - Section 2506(b) and Section 2506(c)(2)(A) of the Tribally Controlled Schools Act are amended by deleting "(within the meaning of section 2001(j) of this title) and substituting in lieu thereof "within the meaning of section 1138(13) of this title)".

(i) - Section 2506 of the Tribally Controlled Schools Act is amended by adding at the end thereof the following new subsection:

"(e) Notwithstanding any other provision of law, the requirements with respect to the administrative functions for these schools found in this section and specifically referenced in any other section of this Act shall be the sole requirements placed on schools authorized under this Part. No other provision of law, procedure, regulation, circular or other administrative requirement shall be applied to these schools or used as authorization by any official for action or requirements.ô

(j) - Section 2506 of the Tribally Controlled School Act is further amended by deleting the "."at the end of the provision in subsection (b)(4) and adding the following new material:

"; provided that it is encouraged that other tribally controlled schools and representatives of tribally controlled community colleges shall make up members of the evaluation review teams. The frequency of these evaluations will be established by the terms of the accrediting agencies of the schools.ô

(k) - Subsection 2506(b) of the Tribally Controlled Schools is amended by adding at the end thereof the following new material:

"The school shall deliver to the tribal governing body its copy of this report and then, within 30 days, submit it to the Bureau, and shall receive a signed acknowledgment from the appropriate tribal official of its receipt."

(l) - Subparagraph 2507(a)(1)(A) of the Tribally Controlled Schools Act is amended to read as follows:

"(A) the first payment shall be made not later than July 15 of each year in an amount equal to eighty-five percent of the amount which the grantee was entitled to receive during the preceding academic year; and"

(m) - Section 2507(a) is amended by deleting the material in paragraph (4) and renumbering current paragraph (5) as a new paragraph (4).

(n) - Paragraph 2507(b)(1) of the Tribally Controlled School Act is amended by adding at the end thereof the following new material:

"Such interest income shall be spent on behalf of the school."

(o) - Paragraph 2507(b)(2) is amended by deleting the word "Funds"immediately after the designation of the paragraph "(2), and adding the following provision immediately following the designation of the paragraph:

"(2) Subject to the provision of paragraph (3) of this subsection, funds"

(p) - Subsection 2507(b)(2) is further amended by:

1) deleting the "or"at the end of subparagraph "A",

(q) "Section 5208(b) of the Tribally Controlled Schools Act of 1988, as amended [25 USC _2507(b)], is amended to read as follows and to add a new paragraph (3):

"(2) Subject to paragraph (3) hereof, advance payments made under this part may be invested by the grantee before such funds are expended for purposes of the grant so long as such funds are --

"(A) invested by the grantee only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or in securities that are guaranteed or insured by the United States; or

"(B) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

"(3) In order to maximize the return on the investment of advance payments to the grantee, the grantee may designate an amount of up to 10 percent of the funds received under this part for investment in obligations not covered under paragraph (2) hereof, provided, that the grantee shall be held to the standard of a reasonable and prudent man with regard to such investment."

(r) - Section 2507 of the Tribally Controlled Schools Act is amended by:

1) amending the title of the section to read "Payment of grants; investment of funds; State payments to schools'; and

2) adding at the end thereof the following new subsection:

"(d)(1) No State shall take into account funds received under this Title when computing the amount of funds any school receiving assistance under this Title is eligible to receive under State law applying to said school, providing further that no State shall reduce the State payment a school receiving assistance under this Title is eligible to receive under applicable State law because of any funds received under this Title.

(2) Any State who violates paragraph (1) of this subsection shall be subject to the same penalties as would apply for violation of the similar prohibition found in Section 7709 of Title VIII of the Elementary and Secondary Act (Impact Aid, as amended).

(3) Upon receipt of information from any source that a State is in violation of paragraph (1) of this subsection, the Secretary shall immediately, but in all cases within three months of such notice, investigate and make a determination of compliance. When the Secretary determines that any State is in violation of paragraph (1) of this subsection, the Secretary shall inform the Secretary of the Department of Education of the Secretary's findings and the basis for same. The Secretary of the Department of Education shall immediately apply the provisions of paragraph (2), in reliance upon the information of the Secretary."

(s) -- Section 5209(a) of the Tribally Controlled Schools Act of 1988, as amended, [25 USC _2508(a)] is amended to read as follows:

"(a) CERTAIN PROVISIONS TO APPLY TO GRANTS. The following provisions of the Indian Self-Determination and Education Assistance Act and any subsequent revisions thereto or re-numbering thereof, shall apply to grants provided under this part:

(1) Section 5(f)[25 USC _450c(f)] (single agency audit);

(2) Section 6 [25 USC _450d] (criminal activities; penalties);

(3) Section 7 [25 USC _450e] (wage and labor standards);

(4) Section 104 [25 USC _450i] (retention of federal employee coverage);

(5) Section 105(f) [25 USC _450j(f)] (federal property);

(6) Section 105(k) [25 USC _450j(k)] (access to federal sources of supply);

(7) Section 105(l) [25 USC450j(l)] (lease of facility used for administration and delivery of services);

(8) Section 106(f) [25 USC _450j-1(f)] (limitation on remedies relating to cost disallowances);

(9) Section 106(j) [25 USC _450j-1(j)] (use of funds for matching or cost participation requirements);

(10) Section 106(k) [25 USC _450j-1(k)] (allowable uses of funds);

(11) Model Agreement provisions (A)(5) (limitation of costs); (A)(7) (records and monitoring); (A)(8) (property); and (A)(9) (availability of funds) of Section 108(c) [25 USC _450l(c)]; and

(12) Section 109 [25 USC _450m] (sovereign immunity and trusteeship rights unaffected)."

(t) - The Tribally Controlled Schools Act is amended by redesignating "Section 2511' as "Section 2513' and by adding the following two new sections:

"Section 2511. The Tribally Controlled School Endowment Program.

(a) General

(1)(A) Each school receiving grants under this Part may establish, at a federally insured banking and savings institution, a trust fund for the purposes of this section.

(B) The school shall provide --

(i) for the deposit in the trust fund of funds for the use of said school, such funds to come from non-federal sources, provided that the interest on funds received from grants under this Part may be used for this purpose;

(ii) for the deposit in the account of any earnings on funds deposited in the account; or

(iii) for the reservation for the sole use of the school any noncash, in-kind contributions of real or personal property, which property may at any time be converted to cash, provided that for the purposes of matching requirements of this section, such property shall be valuated by an impartial appraisor at the time it is novated for the use of the school.

(2) The Secretary shall, within a schedule to be established by regulation and from funds appropriated for this purpose, make payments to be invested in the accounts established under paragraph (1).

(3) The relative amounts of the funds to be contributed by the school and the Secretary shall be 40% from the school and 60% from the Secretary.

(4) No school could receive more than $200,000 per annum in Federal funds for this program.

(b) Interest

Interest from the fund established under paragraph (1) may be periodically withdrawn and used, at the discretion of the school, to defray any expenses associated with the operation of the school."

(c) Limitations

(1) If at any time, the school withdraws any capital contribution, as set forth in subsection (a), whether such contribution be funds deposited by the school or received from the Secretary or puts any funds or property reserved under paragraph (1) to a use which is not for the sole benefit of the school, an amount equal to the federal contribution attracted by the amount so withdrawn or used shall be withdrawn from the trust fund and returned to the Secretary for redistribution under this section.

(2) For the purpose of complying with the contribution section, the school may use funds or property (either real or personal) fairly valued received from any non-Federal, private or tribal source

(d) Authorization

(1) There are hereby authorized to be appropriated such sums as may be necessary for each fiscal year beginning with fiscal year 2001 for this section

(2) In addition to the funds authorized under paragraph (1) of this subsection, any funds left over on September 30 of the fiscal year in the emergency contingency fund of the Director (Section 107(c) shall be placed in this account for use, without regard to fiscal year limitations.

(3) In addition to the amounts aforementioned, and notwithstanding any other provision of law, any funds which would, without this provision, eschete to the Treasury from any account held by the Bureau shall be placed in this account. Such funds shall remain available without fiscal year limitation.

(d) In making distributions under this section, the method for making distribution of funds under this section shall be decided under the Negotiated Rulemaking required under Section 1137 of P.L. 95-561, as amended by this Act.

"Section 2512. The Tribally Controlled School Capital Outlay and Redemption Fund

(a) General -- The Secretary shall establish, within 180 days of the enactment of this provision, the Tribally Controlled School Capital Outlay and Redemption Fund under the provisions of this section.

(b) Establishment and Agreements -- The Secretary is hereby authorized to enter into Memoranda of Agreement with the Secretaries of Health and Human Services, Commerce, Agriculture and any other Secretary to affect the inter agency transfer of funds to the Fund established under this section from funds appropriated to other Departments. The Memoranda of Agreement shall include rural development assistance programs, community facilities construction, facilities planning, and any other activity to enhance community education concepts. Notwithstanding any other provision of law, within 180 days of the establishment of this fund the Secretary is directed to transfer to the Fund $20,000,000 from the unobligated balances in appropriations accounts (as the term is defined in 31 ,U.S.C. 1551) for the Department of Interior, and shall be authorized to transfer up to said sum to such Fund on October 1 of each fiscal year.

(c) Use of the fund - establishment of two programs --(1) The Fund will be divided into two equal sub-accounts, called the Capital Improvement Account and the Capital Revenue Redemption Account.

(A)(i) The Capital Improvement Account shall be established and set aside for the sole purpose of facility improvement and repair. The account will be equitably divided among all tribal schools based upon the formula set forth in this paragraph, and the previous years Average Daily Membership, as reported during the Fall student count used to distribute funds under section 107 of this Act. The amounts of such distribution shall be:

(aa) schools with less than 100 students, $50,000.
(bb) schools with at least 101 students and less than 301 students,$100,000,
(cc) schools with at least 301 students and less than 501 students. $175,000.
(dd) schools with at least 501 students and less than 701 students, $250,000.
(ee) schools with at least 701 students and less than 901 students. $325,000, and
(ff) schools with more than 901 students, $400,000

After the initial distribution, if there are funds available in the Fund for any fiscal year, they will be distributed upon the Schoolis Average Daily Membership for the previous year.

(ii) Use -- the Capital Improvement Funds are restricted for emergency, Safety and Health, Environmental, Disabled compliance, Physical Plant, Energy, Additions to current plant and Programmatic expenditure categories as defined in the Facilities Maintenance system, commonly referred to as the FACCOM system. It is to be used for immediate, imminent, critical, dangerous, serious safety, law or code related standards, and functional deficiencies.

(B)(i) The Capital Revenue Redemption Account is set aside for the sole purpose of new facility construction. The account will be equitably divided among all tribal schools based upon the formula set forth in this paragraph, and the previous years Average Daily Membership, as reported during the fall student count used to distribute funds under section 107 of this Act. The amounts for distribution shall be --

(aa) schools with less than 100 students, $50,000.
(bb) schools with at least 101 students and less than 301 students, $100,000.
(cc) schools with at least 301 students and less than 501 students, $175,000.
(dd) schools with at least 501 students and less than 701 students, $250,000.
(ee) schools with at least 701 students and less than 901 students, $325,000; and
(ff) schools with more than 901 students, $400,000.

After the initial distribution, if there are funds available in the Fund for any fiscal year, they will be distributed upon the schools Average Daily Membership for the previous year.

(ii) The Capital Revenue Redemption Account is to be set aside in a separate investment account at the school level . The Capital Revenue Redemption Account may be used as collateral by tribes and/or tribal organizations for the purpose of borrowing funds for new school construction.

(d)(1) Beginning in the fiscal year following the enactment of this provision, the Division of Facilities Maintenance in the Bureau or Department of Interior shall not be involved in facilities improvement or repair projects (both minor and major), or new construction, or alteration and renovation (major and minor), health and safety or any other facilities account with respect to schools receiving funds under this section.

(2) Any other provisions of law notwithstanding, any monies which have been appropriated, whether committed or not, for schools under this section, shall remain designated for those schools. The portion of the savings occasioned by the restriction of Facilities Management and Improvement program caused by this section shall be distributed to the schools under this section.

(e) Authorizations - there are hereby authorized to be appropriated for fiscal year 2000, an amount equal to $75,000,000., such amount to be divided equally between the two funds established under this section. Thereafter, there are authorized to appropriated such sums as may be necessary.

Section 4 - "The Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq0 is further amended by changing the following references to Part B of Title XI of the Education Amendments of 1978 (25 U.S.C. 2001 et seq.) wherever they are found in the Act.

(a) All references to section "1128" shall be changed to "1127"; and

(b) All references to section "1128A" shall be changed to "1128"

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Aberdeen Area Office
115 Fourth Avenue S.E.
Aberdeen, South Dakota 57401

IN REPLY REFER TO:
Facility Management
MC 202, A09-05 O&M

FEB 12 1999

Roger Bordeaux, Superintendent
Tiospa Zina Tribal School
P.O. Box 719
Agency Village, South Dakota 57262

Dear Mr. Bordeaux:

Enclosed are the Needs Budget and the Operation and Maintenance Distribution for Fiscal Year (FY) 1999 for your location. The constraint for FY 1999 is 32.897 person for Education and 33.8999 person for Non-Education.

If you have any questions please contact Lee Moore, Acting Area Facility Management Engineer, at 605-226-7371.

Sincerely,

Cora L Jones
Area Director

< GRANT SCHOOLS > O & M DISTRIBUTION FOR ABERDEEN
AS OF DATE: 09/28/98 BY BUILDING WITHIN LOCATION PAGE 18
REPORT DATE: 10/23/98 10:52:14 REPORT: << BFN40AR3 >>
LOCATION: A09-05, ABERDEEN, SISSETON AGENCY, TIOSPA ZINA TRIBAL SCHOOL

BLDG NO:	USE	GROSS SF	UTILITIES	CUSTODIAL	PREVENTIVE MAINTENANCE	UNSCHEDULED MAINTENANCE	EDUCATIONAL EFFICIENCY	BUILDING TOTAL
501	CL	1,330	1,202	2,219	547	659		$4,627
502	CL	1,330	1,202	2,219	547	659		$4,627
90000A	GY	24,511	19,297	35,983	14,524	9,744		$79,548
90000C	S5	30,300	29,250	52,712	25,176	20,920		$128,058
90000D	S2	8,845	7,716	18,278	12,875	4,755		$43,624
90000E	OF	1,333	1,684	3,768	1,247	698		$7,397
90000F	CL	1,152	1,387	2,124	665	768		$4,944
90000G	VS	1,152	651	89	486	446		$1,672
90000H	CL	1,610	1,387	2,596	383	740		$5,106
90000I	S6	5,725	4,067	10,432	744	1,521		$16,764
LOCATION SUBTOTAL		77,288	67,843	130,420	57,194	40,910		$296,367

COMPONENT DESCRIPTION

UTILITIES - ACTUAL 98 COSTS
CUSTODIAL & PREVENTIVE MAINTENANCE - BASED ON NEED GENERATEE BY PHYSICAL INVENTORY OF ROOM USE, BLDG USE, MECHANICAL SYSTEMS, AND UTILITY SYSTEMS (INCLUDES EBC)
UNSCHEDULED MAINTENANCE - BASES ON BUILDING USE, SQ. FT., CONDITION AND LOCAL BIA WAGE RATES (INCLUDES EBC).
EDUCATION EFFICIENCY - A CORRECTIVE FUND AMOUNT BASED ON THE EDUCATION CLASSROOM USE UTILIZATION REQUIREMENTS.
ISOLATION - COSTS NEEDED TO COMPENSATE FOR DISTANCES TO THE NEAREST REPAIR CENTER.
PROGRAM ADMINISTRATION - 8% OF PROGRAM COST (PROGRAM COST = LOCATION SUBTOTAL + GSA VEHICLE RENTAL + COMUNICATION + SITE + GUARD SERVICE + PEST CONTROL + REFUSE DISPOSAL + WORK SUPERVISION).
GSA RENTALS (VEHICLES) / COMMUNICATIONS / PEST CONTROL / GUARD SERVICES / REFUSE COLLECTION / AND DISPOSAL - ACTUAL 98 COSTS
SITE - SITE DATA IS BASICALLY GENERATED FROM THE INVENTORY, IN THE SAME MANNER AS CUSTODIAL, PREVENTIVE MAINTENANCE, AND UNSCHEDULED MAINTENANCE.
EXPENDABLE EQUIPMENT - 2% OF (CUSTODIAL + PM + SITE)
WORK SUPERVISION - FUNDING FOR SUPERVISION OF WORKERS IN CUSTODIAL, PM, AND UNSCHEDULED MAINTANANCE CATEGORIES, EXCLUDING INSPECTION TASKS.

ISOLATION	5,291

PROGRAM SUPPORT

PROGRAM ADMINISTRATION	28,035
LEAVE	28,035
GSA VEHICLE RENTAL	8,545
COMMUNICATION	1,680
SITE	21,384
GUARD SERVICES	
PEST CONTROL	660
REFUSE COLLECT/DISPOSAL	3,000
EXPENDABLE EQUIPMENT	4,180
WORK SUPERVISION	18,803
LOCATION TOTAL	$415,980

NOTE 1 - EBC IS COMPUTED AT 23.5% FOR ALL LOCATIONS.
NOTE 2 - ACTUAL 98 COST DOCUMENTATION IS AVAILABLE TO FMCC AT LOCATION/AGENCY/AREA UPON REQUEST.

< GRANT SCHOOLS > O & M DISTRIBUTION FOR ABERDEEN
AS OF DATE: 09/28/98 AREA BY AGENCY BY LOCATION PAGE 1
REPORT DATE: 10/23/98 10:52:14 REPORT: << BFN40AR5 >>

FMCC-LOC	EDUC-ORG	NEED DISTRIBUTION	32.8970% CONSTRAINT	CONSTRAINED BUDGET
A09-05	A09E05 TIOSPA ZINA TRIBAL SCHOOL	$415,980	$136,845	$279,135

$$$END

ABERDEEN

UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT) << LBS20AR2>> PAGE 1

AS OF 01/04/1999

BY CATEGORY AND LOCATION

DATE RUN 01/06/99

(EXCLUDING QUARTERS TYPES AP, GQ, MF, OT AND TR)

LOCATION DESCRIPTION	AREA PRI	S-1,2/U-1 SAFETY/ EMERGENCY	X-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	E-2,3 ENERGY	P-3 PROGRAMATIC	C-1,2,3 CONSTRUCTN	TOTAL
A00-01 ABERDEEN ARE		$500,000							$500,000
A00 ABERDEEN AREA	XXXXX	$500,000							$500,000
A01-01 EAGLE BUTTE		$183,000	$5,100		$53,210			$1,750	$243,060
A01-08 TAKINI SCHOO		$703,649	$28,000	$36,100	$110,700			$1,110,700	$1,989,149
A01-06 PROMISE		$30,000							$30,000
A01-07 RED SCAFFOLD			$4,370					$3,000	$7,370
A01-12 CHEYENNE-EAG		$1,157,910	$4,160	$250,501	$1,037,707	$129,098		$357,909	$2,937,285
A01-15 EASTERN CHEY		$22,752		$720				$125	$23,597
A01 CHEYENNE RIVER	XXXXX	$2,097,311	$41,630	$287,321	$1,201,617	$129,098		$1,473,484	$5,230,461
A02-05 PIERRE INDIA		$42,926	$10,000	$2,500	$1,110,651	$2,808		$9,635	$1,178,520
A02 ABERDEEN AREA	XXXXX	$42,926	$10,000	$2,500	$1,110,651	$2,808		$9,635	$1,178,520
A03-02 FLANDREAU IN		$2,844,862	$760,289	$9,620	$2,190,084	$245,816	$19,216	$689,886	$6,759,713
A03 ABERDEEN AREA	XXXXX	$2,844,862	$760,289	$9,620	$2,190,084	$245,816	$19,216	$689,886	$6,759,713
A06-01 NEW TOWN HDQ		$6,401			$24,200		$2,000,000	$260	$2,030,861
A06-03 MANDAREE DAY		$83,706	$10,000	$65,200	$314,159	$3,000		$135,762	$611,827

ABERDEEN UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT) << LBB20AB2>> PAGE 2

AS OF 01/04/1999 BY CATEGORY AND LOCATION DATE RUN 01/04/99

(EXCLUDING QUARTERS TYPES AP, GQ, MF, QT AND TR)

LOCATION DESCRIPTION	AREA PRI	S-1,2/U-1 SAFETY/ EMERGENCY	E-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	E-2,3 ENERGY	P-3 PROGRAMMATIC	C-1,2,3 CONSTRUCTN	TOTAL
A04-04 TWIN BUTTES		$98,222	$15,020	$280,400	$169,922			$195,722	$759,286
A04-05 WHITE SHIELD		$90,087	$3,331	$77,000	$381,787	$141,600		$237,814	$899,729
A04 FORT BERTHOLD	XXXXX	$286,336	$28,521	$433,600	$860,068	$144,600	$2,000,000	$889,898	$4,301,683
A05-01 FORT TOTTEN		$25,000			$1,230			$200,000	$226,230
A05-03 TATE TOPA TR		$323,054	$105,000		$20,001		$1,530,700	$5,845	$1,984,600
A05 FORT TOTTEN AGE	XXXXX	$348,054	$105,000		$21,231		$1,530,700	$205,845	$2,210,830
A06-01 PINE RIDGE S		$450			$1,566,625			$345	$1,567,420
A06-02 AMERICAN HOR		$54,335			$76,617	$2,229		$34,815	$167,996
A06-05 LITTLE WOUND		$349,801	[illegible]	$40,150	$183,480			$422,969	$1,401,370
A06-06 WOUNDED KNEE		$201,701	$50,000	$28,647	$296,585			$394,140	$971,073
A06-13 LONEMAN DAY		$363,865	$54,500	$273,100	[illegible]	$11,546	$109	$5,601,890	$6,810,288
A06-16 OGLALA COMM		$489,615	$70,000	$1,722,268	$997,135	$233,866	$811,900	$40,888	$4,366,386
A06-17 PORCUPINE BO					$4,586				$4,586
A06-18 PORCUPINE DA		$263,371	$72,000	$33,700	$275,680	$5,000	$25,000	$138,255	$813,006
A06-23 CRAZY HORSE		$124,392	$35,400	$17,800	$257,321			$43,968	$478,478
A06-25 WHITE CLAY C					$1,398				$1,398

ABERDEEN UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT) << LEGISLAT>> PAGE 3

AS OF 01/04/1999 BY CATEGORY AND LOCATION DATE RUN 01/04/99

(EXCLUDING QUARTERS TYPES AP, QQ, MF, QT AND TR)

LOCATION DESCRIPTION	AREA PRI	S-1,2/E-1 SAFETY/ EMERGENCY	E-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	E-2,3 ENERGY	P-3 PROGRAMMATIC	C-1,2,3 CONSTRUCTN	TOTAL
A06-27 PORCUPINE SP					$36,484				$36,484
A06 PINE RIDGE	XXXXX	$1,747,410	$816,900	$2,115,363	$6,169,829	$252,341	$837,009	$6,676,564	$16,615,415
A07-01 ROSEBUD HDQT		$560		$8,500	$408,280			$6,000	$423,340
A07-03 HE DOG		$18,401		$3,000	$129,900	$58,500		$28,751	$238,552
A07-06 OKREEK		$17,416		$110,000	$52,686			$10,966	$191,068
A07-08 SPRING CREEK		$33,800	$2,300	$150,000	$3,849			$15,784	$205,733
A07-09 ST. FRANCIS		$240,086	$2,650	$29,100	$351,031	$11,450	$168,545	$133,009	$935,871
A07-18 MISSION		$91,326	$67,728	$191,600	$382,235	$91,225		$99,448	$923,556
A07 ROSEBUD	XXXXX	$401,589	$72,678	$492,200	$1,328,781	$161,175	$168,545	$293,958	$2,921,130
A08-04 MARTY INDIAN		$1,557,387	$15,000	$25,549	$677,377	$2,073	$22,442	$191,447	$2,291,275
A08 ABERDEEN AREA	XXXXX	$1,557,387	$15,000	$25,549	$677,377	$2,073	$22,442	$191,447	$2,291,275
A09-01 SISSETON HDQ.			$40,000		$16,690		$90,000		$146,690
A09-03 ENEMY SWIM D.		$2,345		$6,700	$37,082	$2,494	$7,024	$36,016	$91,661
A09-05 TIOSPA ZINA		$496,320		$224,000	$300,042			$3,619,291	$4,639,653
A09 SISSETON AGENCY	XXXXX	$498,665	$40,000	$230,700	$353,814	$2,494	$97,024	$3,655,307	$4,878,004

ABERDEEN

AS OF 01/04/1999

UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT)

BY CATEGORY AND LOCATION

(EXCLUDING QUARTERS TYPES AP, CQ, MF, QT AND TR)

<< LB016AR2>> PAGE 4

DATE RUN 01/04/99

LOCATION DESCRIPTION	AREA PRI	S-1,2/U-1 SAFETY/ EMERGENCY	E-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	B-2,3 ENERGY	P-3 PROGRAMMATIC	C-1,2,3 CONSTRUCTN	TOTAL
A10-01 FORT YATES H		$9,150	$111,759	$25,000	$1,135,761		$225,000	$155,566	$1,662,236
A10-03 BULLHEAD		$133,075	$15,000	$91,286	$52,118		$20,000	$32,885	$344,364
A10-05 LITTLE EAGLE		$9,441		$59,413	$84,817			$16,616	$170,287
A10-08 STANDING ROC		$83,077		$309,000	$1,056,229		$4,800,000	$5,236,672	$11,484,978
A10 STANDING ROCK A	XXXXX	$234,743	$126,759	$484,699	$2,328,925		$5,045,000	$5,441,739	$13,661,865
A11-01 BELCOURT HDQ		$4,750		$26,803	$420,400		$1	$380,401	$832,355
A11-03 DUNSEITH		$27,680		$144,281	$126,192			$19,001	$317,154
A11-08 OJIBWA INDIA		$698,640	$680	$501,513	$298,077	$45,758	$1	$1,368,062	$2,912,701
A11-09 TURTLE MOUNT		$441,071		$557,107	$1,436,944	$103,000	$8,865	$102,860	$2,649,847
A11-11 TURTLE MOUNT		$87,960		$492,100	$117,400			$3,430,271	$4,127,731
A11-12 TRENTON		$3,300						$4,000	$7,300
A11 TURTLE MOUNTAIN	XXXXX	$1,263,361	$680	$1,721,503	$2,399,013	$148,758	$8,867	$5,304,595	$10,846,747
A12-02 WAHPETON IND		$1,398,788	$319,950	$385,077	$803,386		$8,293	$3,023,509	$5,939,003
A12 ABERDEEN AREA	XXXXX	$1,398,788	$319,950	$385,077	$803,386		$8,293	$3,023,509	$5,939,003
A13-01 WINNEBAGO HD		$1,500			$51,400			$17,636	$70,536
A13-02 MACY					$18,325				$18,325

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ABERDEEN　　UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT)　　<< LEG20AR2>>　　PAGE 5

AS OF 01/04/1999　　BY CATEGORY AND LOCATION　　DATE RUN 01/04/99

(EXCLUDING QUARTERS TYPES AP, GQ, MP, OT AND TR)

LOCATION DESCRIPTION	AREA PRI	S-1,2/U-1 SAFETY/ EMERGENCY	X-1,2 ENVIRONMENT	K-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	E-2,3 ENERGY	P-3 PROGRAMATIC	C-1,2,3 CONSTRUCTN	TOTAL
A13 WINNEBAGO AGENC	XXXXX	$1,500			$69,725			$17,636	$88,861
A14-01 FT THOMPSON		$16,940		$3,002	$76,964		$33,000	$32,651	$162,557
A14-02 CROW CREEK S		$43,876	$11,300	$186,709	$254,593		$780,000	$26,190	$1,302,668
A14-04 CROW CREEK H		$294,036	$120,000	$813,500	$1,989,071	$396,917	$516,938	$285,825	$4,416,287
A14 CROW CREEK	XXXXX	$354,852	$131,300	$1,003,211	$2,320,628	$396,917	$1,329,938	$344,666	$5,881,512
A15-01 LOWER BRULE					$76,331		$150,000		$226,331
A15-02 LOWER BRULE		$182,784	$140,000	$272,304	$258,189	$45,000		$150,336	$1,048,613
A15 LOWER BRULE AGE	XXXXX	$182,784	$140,000	$272,304	$334,520	$45,000	$150,000	$150,336	$1,274,944
A16-03 THEODORE JAM		$35,612		$7,406	$101,444		$7,096	$8,713	$160,271
A16 ABERDEEN AREA	XXXXX	$35,612		$7,406	$101,444		$7,096	$8,713	$160,271
A ABERDEEN	XXXXX	$13,796,180	$2,608,844	$7,460,952	$30,071,095	$1,831,080	$11,194,130	$26,740,863	$93,610,224

ANADARKO UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT) << LBG30AR2>> PAGE 1

AS OF 01/04/1999 BY CATEGORY AND LOCATION DATE RUN 01/04/99

(EXCLUDING QUARTERS TYPES AP, GQ, NP, QT AND TR)

LOCATION DESCRIPTION	AREA PRI	S-1,2/U-1 SAFETY/ EMERGENCY	E-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	E-2,3 ENERGY	P-3 PROGRAMMATIC	C-1,2,3 CONSTRUCTN	TOTAL
B00-02 SOUTHERN PLA		$25,000							$25,000
B00 ANADARKO AGENCY	XXXXX	$25,000							$25,000
B01-02 RIVERSIDE SC		$1,584,670	$25,000	$389,500	$1,551,583	$34,901	$1	$4,734,712	$8,320,367
B01 RIVERSIDE	XXXXX	$1,584,670	$25,000	$389,500	$1,551,583	$34,901	$1	$4,734,712	$8,320,367
B04-06 KICKAPOO NAT		$982,977	$113,500	$17,500	$1,653,122	$18,000		$26,060	$2,811,167
B04 ANADARKO AREA	XXXXX	$982,977	$113,500	$17,500	$1,653,122	$18,000		$26,060	$2,811,167
B06-01 ANADARKO HDQ		$150							$150
B06 ANADARKO AGENCY	XXXXX	$150							$150
B ANADARKO	XXXXX	$2,592,797	$138,500	$407,000	$3,204,705	$52,901	$1	$4,760,772	$11,156,684

BILLINGS UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT) << [illegible] >> PAGE 1

AS OF 01/04/1999 BY CATEGORY AND LOCATION DATE RUN 01/04/99

(EXCLUDING QUARTERS TYPES AP, OQ, MP, QT AND TR)

LOCATION DESCRIPTION	AREA PRI	S-1,2/U-1 SAFETY/ EMERGENCY	E-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	E-2,3 ENERGY	P-3 PROGRAMMATIC	C-1,2,3 CONSTRUCTN	TOTAL
C51-01 BROWNING HEA		$81,000	$40,000		$33,587				$154,587
C51-53 BLACKFEET DO		$586	$80,500	$6,000	$110,975	$9,300		$226,000	$433,361
C51 BILLINGS AREA	XXXXX	$81,586	$120,500	$6,000	$144,562	$9,300		$226,000	$587,948
C53-01 CROW AGENCY		$73,000	$106,000		$300,486			$156,664	$636,150
C53 CROW AGENCY	XXXXX	$73,000	$106,000		$300,486			$156,664	$636,150
C55-01 HARLEM HDQTR		$63,500			$16,000				$79,500
C55 FORT BELKNAP AG	XXXXX	$63,500			$16,000				$79,500
C56-01 POPLAR HDQQ		$86,000	$10,000		$173,368			$167,000	$436,368
C56 FORT PECK AGENC	XXXXX	$86,000	$10,000		$173,368			$167,000	$436,368
C57-01 LAME DEER HD			$110,500		$178,540		$1		$289,041
C57-04 BUSBY SCHOOL		$368,390	$163,000	$36,700	$1,538,097	$48,737	$286,000	$1,617,965	$4,056,769
C57 NORTHERN CHEYEN	XXXXX	$368,390	$273,500	$36,700	$1,716,637	$48,737	$286,001	$1,617,965	$4,345,810
C58-01 FT. WASHAKIE		$76,000	$16,000		$363,615			$6,000	$461,615
C58-10 ST. STEPHENS		$277,252	$60,000	$15,000	$132,650			$38,000	$522,902
C58 BILLINGS AREA	XXXXX	$353,252	$76,000	$15,000	$496,265			$44,000	$984,517

BILLINGS UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT) << LBO20AR3>> PAGE 2

AS OF 01/04/1999 BY CATEGORY AND LOCATION DATE RUN 01/04/99

(EXCLUDING QUARTERS TYPES AP, GQ, MF, QT AND TR)

LOCATION DESCRIPTION	AREA PRI	S-1,2/U-1 SAFETY/ EMERGENCY	E-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	E-2,3 ENERGY	P-3 PROGRAMMATIC	C-1,2,3 CONSTRUCTS	TOTAL
C59-01 BOX ELDER HS		$607,600	$118,000		$65,000			$17,755	$808,355
C59 BILLINGS AREA	XXXXX	$607,600	$118,000		$65,000			$17,755	$808,355
C BILLINGS	XXXXX	$1,653,820	$762,800	$77,700	$3,141,901	$55,127	$256,081	$2,400,092	$8,347,829

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MINNEAPOLIS UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT) << LBII0AA2>> PAGE 1

AS OF 01/04/1999 BY CATEGORY AND LOCATION DATE RUN 01/04/99

(EXCLUDING QUARTERS TYPES AP, GQ, MF, QT AND TR)

LOCATION DESCRIPTION	AREA PRI	S-1,2/U-1 SAFETY/ EMERGENCY	E-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	N-2,3 ENERGY	P-1 PROGRAMMATIC	C-1,2,3 CONTRACTS	TOTAL
F56-01 MINNEAPOLIS								$150,000	$150,000
F50 MINNEAPOLIS ARE	XXXXX							$150,000	$150,000
F51-01 SAC & FOX SE		$10,882	$800	$52,000	$227,100	$53,000		$119,300	$470,710
F51 SAC FOX FIELD O	XXXXX	$10,882	$800	$52,000	$227,100	$52,000		$113,300	$470,710
F52-01 RED LAKE HQ		$648,350	$1,607,700					$400,000	$2,656,050
F52 RED LAKE AGENCY	XXXXX	$648,350	$1,607,700					$400,000	$2,656,050
F53-05 NAYTAHWAUSH								$1	$1
F53-13 CHIEF BUG-O-		$76,520		$59,200	$116,180			$45,400	$296,300
F53-14 CIRCLE OF LI		$56,573						$115,400	$170,973
F53-15 POND DU LAC		$28,837		$1,500	$10,400			$2	$40,739
F53-16 WAY AH SHING		$12,300						$500	$12,800
F53 MINNEAPOLIS ARE	XXXXX	$172,969		$60,700	$124,580			$161,303	$519,552
F56-14 LAC COURTE O		$3,516,542	$200,000		$5,834,493		$275,500	$4,536,096	$14,360,628
F56-15 ONEIDA TRIBA		$70,368	$183,300		$26,927	$8,000		$4,500	$292,973
F55 MINNEAPOLIS ARE	XXXXX	$3,586,882	$383,300		$5,861,447	$8,000	$275,500	$4,540,596	$14,653,601

MINNEAPOLIS UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT) << LRG20AR2>> PAGE 2

AS OF 01/04/1999 BY CATEGORY AND LOCATION DATE RUN 01/04/99

(EXCLUDING QUARTERS TYPES AP, SQ, MF, QT AND TR)

LOCATION DESCRIPTION	AREA PRI	S-1,2/U-1 SAFETY/ EMERGENCY	E-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	E-2,3 ENERGY	P-3 PROGRAMMATIC	C-1,2,3 CONSTRUCTN	TOTAL
F58-04 MENOMINEE TR		$98,121			$915,000			$9,375	$1,022,496
F58 GREAT LAKES AGE	XXXXX	$98,121			$915,000			$9,375	$1,022,496
F60-02 [illegible]		$58,798	$6,400					$3	$65,201
F60-07 HANNAVILL IN		$44,339						$2,206,501	$2,250,840
F60 MINNEAPOLIS AGE	XXXXX	$103,137	$6,400					$2,206,504	$2,316,041
F MINNEAPOLIS	XXXXX	$4,628,409	$1,997,900	$113,500	$7,130,127	$61,000	$275,800	$7,586,994	$21,788,430

MUSKOGEE UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT) << LOB10AR2>> PAGE 1

AS OF 01/04/1999 BY CATEGORY AND LOCATION DATE RUN 01/04/99

(EXCLUDING QUARTERS TYPES AP, QQ, QP, QT AND YR)

LOCATION DESCRIPTION	AREA PRI	S-1,2/U-1 SAFETY/ EMERGENCY	E-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	E-1,3 ENERGY	P-1 PROGRAMMATIC	C-1,2,3 CONSTRUCTN	TOTAL
000-01 MUSKOGEE ADM							$1		$1
000 MUSKOGEE AREA	XXXXX						$1		$1
002-01 F.C.T. MUSKO					$2,000				$2,000
002 FIVE CIVILIZED	XXXXX				$2,000				$2,000
003-02 CARTER SEMIN		$137,915	$35,907	$9,650	$30,000			$3,197,375	$3,410,847
003 MUSKOGEE AREA	XXXXX	$137,915	$35,907	$9,650	$30,000			$3,197,375	$3,410,847
007-02 EUFAULA DORM		$285,771	$118,897	$5,500			$300,000	$2,646,110	$3,356,278
007 MUSKOGEE AREA	XXXXX	$285,771	$118,897	$5,500			$300,000	$2,646,110	$3,356,278
008-02 SEQUOYAH HIG		$568,465	$211,066	$165,242			$2,600,000	$4,977,330	$8,522,103
008 MUSKOGEE AREA	XXXXX	$568,465	$211,066	$165,242			$2,600,000	$4,977,330	$8,522,103
009-02 JONES ACADEM		$343,569	$48,970	$23,100	$240,000		$1,915,240	$699,500	$3,270,379
009 MUSKOGEE AREA	XXXXX	$343,569	$48,970	$23,100	$240,000		$1,915,240	$699,500	$3,270,379
3 MUSKOGEE	XXXXX	$1,335,720	$414,840	$203,492	$272,000		$4,815,241	$11,520,315	$18,561,608

PHOENIX UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT) << LBG30AR3>> PAGE 1

AS OF 01/04/1999 BY CATEGORY AND LOCATION DATE RUN 01/04/99

(EXCLUDING QUARTERS TYPES AP, GQ, MF, QT AND TR)

LOCATION DESCRIPTION	AREA PRI	S-1,2/U-1 SAFETY/ EMERGENCY	E-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	E-2,3 ENERGY	P-3 PROGRAMMATIC	C-1,2,3 CONSTRUCTN	TOTAL
H50-01 PHOENIX AREA			$93,100	$3,500	$209,200			$500,000	$805,800
H50 PHOENIX AREA	XXXXX		$93,100	$3,500	$209,200			$500,000	$805,800
H51-01 PARKER HDQTR		$422,200	$7,000		$195,100	$14,600	$33,000	$67,100	$739,000
H51-05 HEADGATE DAM								$180,000	$180,000
H51-06 POSTON		$400	$100,000		$30,400			$118,800	$249,600
H51 COLORADO RIVER	XXXXX	$422,600	$107,000		$225,500	$14,600	$33,000	$365,900	$1,168,600
H52-01 WHITERIVER E		$86,700	$1,500		$16,600			$3,828,252	$3,942,952
H52-02 MCNARY		$12,000						$35,000	$47,000
H52-05 LONGSTONE		$344,900	$5,000		$16,500			$640,060	$1,006,460
H52-06 CHEDISKI		$100,000						$200	$100,200
H52-08 NC KAY PEAK								$108,798	$108,798
H52-11 CIBECUE COMM		$116,625	$192,000	$7,500	$173,366		$1,000	$1,320,850	$1,808,331
H52-13 JOHN F. KENN		[illegible]	$181,000	$4,500	$1,133,200	$1,980	[illegible]	$380,679	$3,210,811
H52-21 THEODORE ROO		$4,263,848	$329,522	$148,912	$1,072,217	$10,900	$9,826	$539,670	$6,384,990
H52 FORT APACHE AGE	XXXXX	$5,415,721	$709,022	$160,912	$2,428,763	$12,880	$905,827	$5,833,446	$15,376,579
H54-01 SELLS HDQTRS		$37,050	$45,000					$36,301	$118,351

PHOENIX   DEFERRED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT)   << [illegible] >>   PAGE 2

AS OF 01/04/1999   BY CATEGORY AND LOCATION   DATE RUN 01/04/99

(EXCLUDING QUARTERS TYPES AP, GQ, MF, QT AND TR)

LOCATION DESCRIPTION	AREA PRI	S-1,2/B-1 SAFETY/ EMERGENCY	E-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	E-2,3 ENERGY	P-3 PROGRAMMATIC	C-1,2,3 CONSTRUCTN	TOTAL
H54-11 SANTA ROSA B.		$60,100	$82,200	$33,850	$116,450			$1,900	$283,300
H54-21 SANTA ROSA S.		$988,330		$21,000	$698,316	$5,000	$105,988	$730,580	$2,329,516
H54-22 SAN SIMON SC		$348,960		$63,500	$673,300	$76,810		$114,400	$1,196,350
H54-25 PAPAGO HIGH		$28,970	$25,000	$50,700	$484,800			$108,800	$657,270
H54 PAPAGO AGENCY	XXXXX	$1,388,380	$158,200	$179,050	$1,589,766	$81,810	$100,988	$979,481	$4,787,986
H55-01 FT. MCDOWELL		$0						$8,750	$8,750
H55-11 SALT RIVER E.		$3,500			$39,600			$31,000	$74,100
H55-12 SALT RIVER S.		$8,200	$123,600	$20,500	$432,195	$500		$185,633	$769,823
H55 SALT RIVER AGEN	XXXXX	$11,700	$123,600	$20,500	$471,795	$500		$225,383	$851,878
H57-11 SACATON BDGT		$11,010	$236,050	$1,000	$257,350		$3,300,300	$60,761	$3,866,511
H57-12 BLACKWATER C		$4,500	$1,400					$3,600	$9,500
H57-13 CASA BLANCA		$16,180	$1,300	$1,000	$161,000	$12,000		$62,630	$287,970
H57-14 GILA CROSSIN		$130,690		$115,750	$866,770	$118,100		$257,487	$1,566,797
H57 PIMA AGENCY	XXXXX	$164,360	$238,650	$117,750	$1,285,370	$130,100	$3,300,300	$393,400	$5,729,730
H58-01 [illegible]								$1,000	$1,000
H58-02 POINT OF PIN		$128,700						$5,000	$133,700

PHOENIX UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT) << LBG30AR2>> PAGE 3

AS OF 01/04/1999 BY CATEGORY AND LOCATION DATE RUN 01/04/99

(EXCLUDING QUARTERS TYPES AP, GQ, MF, UT AND TR)

LOCATION DESCRIPTION	AREA PRI	S-1,2/U-1 SAFETY/ EMERGENCY	E-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	R-2,3 ENERGY	P-1 PROGRAMATIC	C-1,2,3 CONSTRUCTN	TOTAL
N56-04 HILLTOP (DRY		$1,000			$16,494				$17,494
N58-11 SAN CARLOS H		$172,465	$18,800		$73,600			$284,415	$517,460
N58 SAN CARLOS AGEN	XXXXX	$302,366	$18,800		$89,094			$362,415	$669,654
N59-01 SAN CARLOS I		$74,000	$133,000	$3,500					$210,500
N59 SAN CARLOS AGEN	XXXXX	$74,000	$133,000	$3,500					$210,500
N60-02 SHERMAN INDI		$1,019,181	$1,453,380	$986,400	$7,297,760	$928,520	$156,360	$697,028	$12,538,586
N60 PHOENIX AREA	XXXXX	$1,019,181	$1,453,380	$986,400	$7,297,760	$928,520	$156,360	$697,028	$12,538,586
N61-07 PYRAMID LAKE		$15,000						$1	$15,001
N61 PHOENIX AREA	XXXXX	$15,000						$1	$15,001
N62-01 FORT DUCHESN		$91,900	$1,250		$501,707	$85,000		$1,500	$681,357
N62 UINTAH AND OURA	XXXXX	$91,900	$1,250		$501,707	$85,000		$1,500	$681,357
N64-01 OWYHEE		$9,000	$25,000		$116,068			$75,000	$225,068
N64-08 DUCKWATER SH		$396,600		$142,370	$380,609	$105,600		$316,053	$1,341,232
N64 EASTERN NEVADA	XXXXX	$405,600	$25,000	$142,370	$496,677	$105,600		$391,053	$1,566,300
N65-01 [illegible] CANYON		$270,700	$168,000	$13,000	$482,532			$119,200	$1,053,432

PHOENIX UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT) << LEG20AR2>> PAGE 4

AS OF 01/04/1999 BY CATEGORY AND LOCATION DATE RUN 01/04/99

(EXCLUDING QUARTERS TYPES AP, QQ, MP, OT AND TR)

LOCATION DESCRIPTION	AREA PRI	S-1,2/U-1 SAFETY/ EMERGENCY	E-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	E-2,3 ENERGY	P-3 PROGRAMMATIC	C-1,2,3 CONSTRUCTN	TOTAL
865-03 CORRECTIONAL		$8,500	$5,000		$100,500		$15,000	$65,000	$194,000
865-11 POLACCA		$47,700	$6,880	$112,000	$550,050	$3,500	$700,000	$178,760	$1,596,790
865-12 SECOND MESA		$109,400	$278,080	$72,544	$477,355	$2,000		$5,851,600	$6,770,839
865-13 HOPI DAY SCH		$106,400	$108,000	$62,800	$393,453	$84,445		$116,800	$861,983
865-14 HOTEVILLA BA		$24,125	$17,900	$78,100	$236,306	$16,700		$165,376	$527,996
865-15 MOENCOPI		$600		$8,500	$37,250	$1,703	$1,713,000	$60,379	$1,821,432
865-21 KEAMS CANYON		$16,800	$77,400	$133,500	$697,167	$29,680		$462,784	$1,417,331
865-22 HOPI HIGH SC		$110,800			$831,350		$150,000	$59,550	$1,151,700
865 HOPI AGENCY	XXXXX	$488,725	$486,180	$470,544	$3,788,801	$137,283	$2,578,000	$7,060,820	$15,283,381
866-01 VALENTINE ED		$45,000			$240,000			$99,000	$384,000
866-02 PEACH SPRINGS		$3,600			$33,594		$24,000	$500	$61,694
866-03 TRUXTON LOD		$1,500						$600	$2,100
866-07 HAVASUPAI SC		$4,500		$1,201,500	$82,500			$500	$1,289,000
866-11 HUALAPAI CA		$8,000			$1,063,150			$62,000	$1,133,150
866 TRUXTON CANYON	XXXXX	$62,600		$1,201,500	$1,419,244		$24,000	$162,600	$2,869,944
* PHOENIX	XXXXX	$10,188,817	$3,706,502	$3,206,626	$30,119,560	$1,496,301	$7,187,667	$16,962,966	$62,863,893

SACRAMENTO　UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT)　<< LBGIOAR3>>　PAGE 1

AS OF 01/04/1999　BY CATEGORY AND LOCATION　DATE RUN 01/04/99

(EXCLUDING QUARTERS TYPES AP, GO, MP, QT AND TR)

LOCATION DESCRIPTION	AREA PRI	S-1,2/U-1 SAFETY/ EMERGENCY	E-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	E-2,3 ENERGY	P-3 PROGRAMMATIC	C-1,2,3 CONSTRUCTN	TOTAL
J52-01 HOOPA AGCY E		$310,001						$40,000	$350,001
J52 NORTHERN CALIF.	XXXXX	$310,001						$40,000	$350,001
J54-02 NOLI		$1		$3,100				$3,400	$6,501
J54-04 SOUTHERN CAL									
J54 SOUTHERN CALIF.	XXXXX	$1		$3,100				$3,400	$6,501
J SACRAMENTO	XXXXX	$310,002		$3,100				$43,400	$356,502

CENTRAL OFC. UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT) << LBG100A2>> PAGE 1

AS OF 01/04/1999 BY CATEGORY AND LOCATION DATE RUN 01/04/99

(EXCLUDING QUARTERS TYPES AF, GQ, HF, QT AND TR)

LOCATION DESCRIPTION	AREA PRI	S-1,2/U-1 SAFETY/ EMERGENCY	E-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	E-2,3 ENERGY	P-3 PROGRAMMATIC	C-1,2,3 CONSTRUCTN	TOTAL
B56-01 ALBUQUERQUE			$2,800,000		$3,225,000		$61,017	$4,237,260	$10,323,277
B56 BRANCH OF FAC.S	XXXXX		$2,800,000		$3,225,000		$61,017	$4,237,260	$10,323,277
X CENTRAL OFC.	XXXXX		$2,800,000		$3,225,000		$61,017	$4,237,260	$10,323,277

CTRL SCHS UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT) << [illegible] >> PAGE 1

AS OF 01/04/1999 BY CATEGORY AND LOCATION DATE RUN 01/04/99

(EXCLUDING QUARTERS TYPES AF, GO, MF, QT AND TR)

LOCATION DESCRIPTION	AREA PRI	S-1,2/U-1 SAFETY/ EMERGENCY	E-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	E-2,3 ENERGY	P-3 PROGRAMMATIC	C-1,2,3 CONSTRUCTS	TOTAL
L01-01 ALBUQUERQUE		$1,735,204	$329,778	$80,000	$1,529,730	$421,102	$50,000	$10,379,822	$14,525,636
L01 SW IND POLYTECH	XXXXX	$1,735,204	$329,778	$80,000	$1,529,730	$421,102	$50,000	$10,379,822	$14,525,636
L03-01 LAWRENCE KS.		$2,196,030	$545,600	$126,850	$5,889,463	$967,039	$422,800	$1,318,570	$11,466,352
L03 HASKELL INDIAN	XXXXX	$2,196,030	$545,600	$126,850	$5,889,463	$967,039	$422,800	$1,318,570	$11,466,352
L CTRL SCHS	XXXXX	$3,931,234	$875,378	$206,850	$7,419,193	$1,388,141	$472,800	$11,698,392	$25,991,988

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ALBUQUERQUE　UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT)　<< LBO30AR2>>　PAGE 1

AS OF 01/04/1999　BY CATEGORY AND LOCATION　DATE RUN 01/04/99

(EXCLUDING QUARTERS TYPES AP, OO, NF, QT AND TR)

LOCATION DESCRIPTION	AREA PRI	S-1,2/U-1 SAFETY/ EMERGENCY	E-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	E-2,3 ENERGY	P-3 PROGRAMMATIC	C-1,2,3 CONSTRUCTN	TOTAL
N00-01 ALBUQUERQUE								$200,000	$200,000
N00 ALBUQUERQUE AGE	XXXXX							$200,000	$200,000
N01-03 SANTA FE IND.		$1,449,930	$1,330,200	$416,000	$1,133,434	$269,210	$900,000	$8,929,875	$14,416,639
N01 NORTHERN PUEBLO	XXXXX	$1,449,930	$1,330,200	$416,000	$1,133,434	$269,210	$900,000	$8,929,875	$14,416,639
N20-01 SO. PUEBLOS		$796,750			$241,750			$2,500	$1,041,000
N20-02 ACOMITA		$302,280	$53,860		$780			$17,300	$374,220
N20-04 ISLETA		$447,100	$160,500	$53,000	$499,300	$94,000		$1,790,735	$3,030,925
N20-05 JEMEZ		$609,100	$187,500		$197,985	$10,100	$62,500	$910,275	$1,977,460
N20-12 SAN FELIPE		$906,781	$113,750	$18,000	$339,369	$28,000	$48,000	$2,311,920	$4,175,881
N20-22 ZIA		$70,400	$104,250		$91,650			$4,836	$271,136
N20 SOUTHERN PUEBLO	XXXXX	$3,132,411	$530,160	$74,000	$1,351,734	$133,100	$87,500	$6,264,836	$10,743,262
N21-01 LAGUNA AGENC								$35,000	$35,000
N21-02 LAGUNA		$207,950	$86,600	$60,000	$47,150		$150,000	$124,300	$676,000
N21-03 LAGUNA MIDDL.		$51,000			$1,500	$500		$8,500	$61,500
N21 LAGUNA AGENCY	XXXXX	$258,950	$86,600	$60,000	$48,650	$500	$150,000	$167,800	$772,500

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ALBUQUERQUE · UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT) · << LBI10AB2>> · PAGE 2

AS OF 01/04/1999 · BY CATEGORY AND LOCATION · DATE RUN 01/04/99

(EXCLUDING QUARTERS TYPES AP, BQ, MF, OT AND TR)

LOCATION DESCRIPTION	AREA PRI	S-1,2/U-1 SAFETY/ EMERGENCY	E-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	E-2,3 ENERGY	P-3 PROGRAMATIC	C-1,2,3 CONSTRUCTN	TOTAL
N25-13 SAN ILDEFONSO		$9,000	$65,000		$1,500			$1,500	$77,000
N25-14 SAN JUAN			$73,400		$27,000	$3,500			$103,900
N25-16 SANTA CLARA		$9,000	$80,250	$38,500	$124,086	$24,570	$39,950	$664,150	$980,506
N25-19 TAOS		$154,680	$65,000	$6,000	$31,500		$30,000	$11,825	$379,976
N25-20 TESUQUE		$28,000	$65,000		$16,500	$3,500	$80,000	$3,850	$196,850
N25 NORTHERN PUEBLO	XXXXX	$200,680	$348,650	$43,500	$202,586	$31,570	$209,950	$781,325	$1,730,231
N40-01 IGNACIO			$50,000		$26,500		$120,000		$196,500
N40 SOUTHERN UTE AG	XXXXX		$50,000		$26,500		$120,000		$196,500
N50-01 DULCE HEADQU		$239,650	$381,800	$1,350	$271,663			$223,700	$1,118,163
N50 JICARILLA AGENC	XXXXX	$239,650	$381,800	$1,350	$271,663			$223,700	$1,118,163
N60-01 MESCALERO HI		$47,000	$589,300		$15,001		$10,000	$368,601	$999,902
N60-03 MESCALERO		$493,075		$34,320	$215,760	$7,500		$151,425	$902,080
N60 MESCALERO AGENC	XXXXX	$540,075	$589,300	$34,320	$230,761	$7,500	$10,000	$520,026	$1,901,982
N70-01 ZUNI		$8,650,000	$50,000		$4,000				$8,704,000
N70 ZUNI AGENCY	XXXXX	$8,650,000	$50,000		$4,000				$8,704,000

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ALBUQUERQUE UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT) << LBR20AR2>> PAGE 3

AS OF 01/04/1999 BY CATEGORY AND LOCATION DATE RUN 01/04/99

(EXCLUDING QUARTERS TYPES AP, QQ, MP, OT AND TR)

LOCATION DESCRIPTION	AREA PRI	S-1,2/U-1 SAFETY/ EMERGENCY	E-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	E-2,3 ENERGY	P-3 PROGRAMMATIC	C-1,2,3 CONSTRUCTN	TOTAL
N75-01 RAMAH - NAVA		$21,930	$9,600		$53,100			$350	$84,980
N75-02 PINE HILL SC		$927,650	$579,680	$62,000	$1,735,701	$187,230	$269,415	$5,691,520	$9,453,196
N75-03 RAMAH DORMIT		$342,180	$34,000		$332,600	$48,700		$2,012,800	$2,770,280
N75 RAMAH-NAVAJO AG	XXXXX	$1,291,760	$623,280	$62,000	$2,121,401	$235,930	$269,415	$7,704,670	$12,308,456
N ALBUQUERQUE	XXXXX	$12,063,346	$3,839,970	$691,170	$8,380,810	$676,810	$1,754,068	$34,691,022	$69,086,792

NAVAJO

UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT) << LBIIGAR2>> PAGE 1

AS OF 01/04/1999

BY CATEGORY AND LOCATION

DATE RUN 01/04/99

(EXCLUDING QUARTERS TYPES AP, QQ, MF, QV AND TR)

LOCATION DESCRIPTION	AREA PRI	S-1,2/U-1 SAFETY/ EMERGENCY	E-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	E-2,3 ENERGY	P-2 PROGRAMMATIC	C-1,2,3 CONSTRUCTN	TOTAL
N00-01 GALLUP HDQTR		$13,183,632	$778,000		$463,500			$10,000	$14,435,132
N00-03 GALLUP SUP C		$288,000						$200,000	$488,000
N00-07 BELTON FACIL		$10,000							$10,000
N00 NAVAJO AREA	XXXXX	$13,481,632	$778,000		$463,500			$210,000	$14,933,132
N32-01 SHIPROCK HDQ		$621,600			$218,470		$1	$330,700	$1,170,771
N32-02 ANETH		$406,017	$59,300	$636,400	$4,762,137	$502,070	$137,035	$1,931,335	$8,320,042
N32-03 AZTEC		$2,376,779	$30,000		$3,177,900	$320,440		$980,534	$6,913,662
N32-04 BECLABITO		$105,488	$63,761	$52,168	$1,314,266	$46,272		$1,833,586	$3,695,551
N32-05 COVE		$299,800	$182,825	$194,493	$1,057,833	$108,363	$11,800	$634,479	$2,489,643
N32-06 NENAHNEZAD		$365,050	$319,200	$41,000	$364,170	$143,700		$15,495	$1,249,615
N32-07 RED ROCK		$462,100	$40,000	$25,464	$922,050		$75,000	$1,868,628	$3,393,242
N32-09 SANOSTEE		$300,275		$14,358	$3,656			$282,047	$600,336
N32-10 TEECNOSPOS		$2,343,765	$315,100	$238,860	$2,339,777	$626,921	$16,800	$1,365,006	$7,247,029
N32-11 TOADLENA		$198,700	$1,183,000	$2,000	$970,309	$132,323	$423,978	$256,066	$3,166,406
N32-13 SHIPROCK BOA		$1,419,000	$349,229	$932,718	$7,090,591	$369,640		$5,726,368	$15,787,630
N32-16 NAVAJO PREPA		$861,305		$876,328	$9,616,072	$894,751	$73,962	$3,899,111	$16,221,606

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NAVAJO

UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT)

<< LEG20AR2>> PAGE 2

AS OF 01/04/1999

BY CATEGORY AND LOCATION

DATE RUN 01/04/99

(EXCLUDING QUARTERS TYPES AP, GQ, MF, QT AND TR)

LOCATION DESCRIPTION	AREA PRI	S-1,2/U-1 SAFETY/ EMERGENCY	X-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	E-2,3 ENERGY	P-1 PROGRAMMATIC	C-1,2,3 CONSTRUCTN	TOTAL
N32-18 ROOF BUTTE		$12,000			$31,000				$43,000
N32 SHIPROCK AGENCY	XXXXX	$9,969,862	$2,313,115	$3,965,876	$32,070,119	$2,383,292	$737,370	$19,312,377	$70,321,991
N33-01 TUBA CITY BD		$677,760	$732,282		$4,274,278	$4,000		$241,383	$5,929,703
N33-03 CHILCHINBITO		$575,060	$263,193	$31,000	$173,903	$173,276		$1,461,000	$2,677,432
N33-04 DENNEHOTSO		$726,838	$1,142,380	$88,000	$1,015,010	$1,413,385		$2,927,788	$7,310,485
N33-05 FLAGSTAFF DO		$1,213,113	$19,600	$465,366	$2,863,463	$28,812		$1,358,873	$6,128,600
N33-07 UPPER KAIBIT		$1,678,789	$110,333	$283,188	$3,044,884	$1,895,986		$6,401,140	$14,210,882
N33-08 KAYENTA		$5,614,452	$837,160	$425,263	$3,610,276	$1,288,339		$2,327,844	$13,660,332
N33-09 LEUPP BOARDI		$3,658,100	$669,478	$69,380	$4,376,449	$489,373	$37,406	$11,164,120	$20,316,226
N33-10 BLACK MESA					$23,200				$23,200
N33-11 NAA TSIS' AA		$528,418	$193,610	$11,756	$686,344	$53,862	$134,386	$2,162,911	$3,676,663
N33-13 RED LAKE		$952,740	$152,700	$172,800	$1,208,477	$139,612	$60,000	$859,122	$3,552,151
N33-14 RICHFIELD DO		$94,863		$333	$652,731	$67,080		$142,380	$957,367
N33-15 ROCKY RIDGE		$680,465	$142,868	$32,660	$1,283,038	$195,996		$877,268	$3,231,314
N33-16 SHONTO		$2,817,654	$1,484,480	$81,489	$2,089,677	$1,639,719		$3,222,986	$10,958,893
N33-17 PRESTON MESA					$84,000				$84,000

NAVAJO UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT) << LBE20AR3>> PAGE 3

AS OF 01/04/1999 BY CATEGORY AND LOCATION

DATE RUN 01/04/99

(EXCLUDING QUARTERS TYPES AP, GC, HP, QT AND YR)

LOCATION DESCRIPTION	AREA PRI	S-1,2/U-1 SAFETY/ EMERGENCY	E-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	E-2,3 ENERGY	P-1 PROGRAMMATIC	C-1,2,3 CONSTRUCTN	TOTAL
N33-19 TUBA CITY BO		$767,290	$384,654	$618,734	$4,654,992	$394,988	$885,182	$1,361,700	$9,067,540
N33-22 GREYHILLS HI		$1,619,962	$3,150	$392,000	$1,361,601	$233,772		$841,800	$4,452,285
N33-24 LITTLE SINGER		$342,876			$190,246	$2,066	$25,000	$184,100	$751,616
N33 WESTERN NAVAJO	XXXXX	$22,665,775	$6,305,207	$3,786,880	$21,676,317	$7,932,363	$1,081,061	$35,066,628	$107,136,337
N34-01 CROWNPOINT I		$960,200	$288,100		$1,831,383		$161,461	$632,582	$4,016,534
N34-02 PREWITT BACA		$187,000	$367,432	$6,260	$806,833			$2,183,700	$3,181,190
N34-03 DIBE YAZHI H		$322,500		$17,500	$269,350	$23,000		$88,000	$720,350
N34-04 BREAD SPRING		$261,070	$4,000	$500	$274,428	$32,000		$105,700	$677,698
N34-05 CHI-CHIL-TAH		$479,297			$179,644	$21,604		$179,600	$860,145
N34-06 HUERFANO DOR		$427,776		$8,378	$779,732	$11,204	$820,000	$1,786,780	$3,866,965
N34-08 JONES RANCH			$15,018					$59,000	$74,018
N34-10 LAKE VALLEY		$962,953	$227,900		$1,393,985	$301,406	$34,300	$310,213	$3,230,757
N34-12 MARIANO LAKE		$272,050	$408,376		$475,100	$20,440		$38,056	$1,214,022
N34-13 OJO ENCINO		$861,172	$110,352	$16,000	$789,000	$24,700	$3,722,000	$164,872	$5,678,096
N34-15 PUEBLO PINTA		$614,073	$128,000	$34,668	$1,063,250	$86,624	$1,626,000	$1,039,850	$4,592,465
N34-16 STANDING ROC		$572,542	$251,307	$61,200	$656,310	$194,000	$12,000	$1,720,650	$3,468,009

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NAVAJO UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT) << LBU26AR2>> PAGE 4

AS OF 01/04/1999 BY CATEGORY AND LOCATION DATE RUN 01/04/99

(EXCLUDING QUARTERS TYPES AP, GO, MP, QT AND TR)

LOCATION DESCRIPTION	AREA PRI	S-1,2/U-1 SAFETY/ EMERGENCY	E-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	E-2,3 ENERGY	P-1 PROGRAMMATIC	C-1,2,3 CONSTRUCTN	TOTAL
N34-17 THOREAU		$388,430	$75,000	$17,000	$518,963	$86,184		$270,350	$1,282,867
N34-18 TORREON		$619,630	$93,705		$330,355	$17,073		$641,600	$1,732,362
N34-20 WINGATE ELEM		$5,133,420	$476,988	$38,967	$2,862,630	$141,988	$96,849	$1,003,188	$9,842,697
N34-21 WINGATE HIGH		$3,314,120	$79,333	$98,196	$5,195,320	$887,056		$1,051,687	$10,915,662
N34-23 CROWN POINT		$6,368,455	$487,450	$1,544,102	$8,936,712	$4,282,437		$2,296,807	$18,895,263
N34-24 DZILTH-NA-O-		$687,911	$350,000	$73,000	$1,673,113	$658,864	$120,802	$365,384	$4,199,362
N34-28 CANONCITO		$1,312,800		$18,443	$148,420	$20,734		$83,300	$1,483,787
N34-26 MAGDALENA DO		$22,671							$22,671
N34-27 ALAMO NAVAJO		$200,825			$157,766	$33,924		$10,000	$401,695
N34-30 [illegible]					$99,539				$99,539
N34-35 FT WINGATE D					$38,800				$38,800
N34-36 GIBSON					$63,000				$63,000
N34 EASTERN NAVAJO	XXXXX	$21,663,718	$3,171,759	$1,937,368	$25,233,558	$6,622,607	$6,662,590	$16,763,051	$75,829,668
N35-01 CHINLE AGENC		$1,398,300			$2,948,025			$10,692	$2,387,027
N35-02 TALL POINT					$71,000				$71,000
N35-03 BLACK PINNAC					$33,000				$33,000

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NAVAJO UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT) << LOC2SAR1>> PAGE 5

AS OF 01/04/1999 BY CATEGORY AND LOCATION DATE RUN 01/04/99

(EXCLUDING QUARTERS TYPES AP, GQ, MP, QT AND TR)

LOCATION DESCRIPTION	AREA PRI	S-1,2/U-1 SAFETY/ EMERGENCY	E-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	E-2,3 ENERGY	P-3 PROGRAMMATIC	C-1,2,3 CONSTRUCTN	TOTAL
N35-04 COTTONWOOD D		$366,988	$15,810	$1,000	$1,161,652	$6,996	$28,642	$199,650	$1,779,788
N35-06 LOW MOUNTAIN		$363,352	$46,850	$127,262	$381,636	$40,900		$3,231,521	$4,211,739
N35-07 LUKACHUKAI		$948,582	$619,398	$360,262	$3,793,849	$843,360		$313,898	$6,286,967
N35-09 NAZLINI		$660,889	$803,966	$160,480	$796,332	$10,780		$1,348,884	$3,469,131
N35-10 PINON DORMIT		$286,797	$357,238	$120,309	$1,268,083	$148,391	$100,000	$108,408	$2,366,189
N35-11 ROCK POINT C		$1,287,061	$10,500	$130,311	$2,160,887	$126,561		$373,575	$4,309,878
N35-12 ROUGH ROCK D		$1,238,383	$198,036	$34,841	$2,067,183	$141,861	$43,440	$834,961	$4,610,225
N35-20 CHINLE BOARD		$3,431,081	$23,600	$123,905	$3,830,314	$419,488	$32,832	$3,727,581	$11,326,906
N35-21 MANY FARMS H		$2,276,452	$8,000	$287,366	$3,207,600	$341,611		$369,631	$6,465,469
N35-22 ROUGH ROCK H		$831,320		$17,600	$466,486	$73,866		$683,012	$1,972,962
N35-23 BLACK MESA C		$134,476		$9,600	$139,200	$6,900		$967,979	$1,348,183
N35 CHINLE AGENCY	*****	$13,561,860	$2,812,948	$1,716,656	$20,687,375	$1,970,277	$886,676	$11,849,852	$51,480,688
N36-01 FORT DEFIANC		$373,080	$420,800		$1,220,060		$4,000	$81,500	$2,098,540
N36-03 CH'OOSHGAI		$412,780	$2,336,410	$192,693	$5,431,370	$1,426,714	$10,000	$1,612,403	$11,421,390
N36-05 CRYSTAL		$961,048	$373,790	$21,510	$238,696	$100,385		$362,500	$1,996,457
N36-06 DILCON		$2,456,400	$781,467	$74,132	$2,509,374	$434,305	$900,000	$612,772	$7,763,160

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NAVAJO UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT) << LEG30AR2>> PAGE 6

AS OF 01/04/1999 BY CATEGORY AND LOCATION DATE RUN 01/04/99

(EXCLUDING QUARTERS TYPES AP, GO, MP, QT AND TH)

LOCATION DESCRIPTION	AREA PRI	S-1,2/U-1 SAFETY/ EMERGENCY	E-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	E-2,3 ENERGY	P-3 PROGRAMATIC	C-1,2,3 CONSTRUCTN	TOTAL
N36-07 GANADO		$500	$8,915		$43,998			$3,242	$56,655
N36-08 GREASEWOOD		$1,755,620	$88,753	$93,723	$3,772,494	$222,871	$180,446	$116,186	$6,230,102
N36-09 HOLBROOK DOR		$3,070,316	$747,480	$66,600	$1,906,103	$607,016		$1,632,668	$8,030,183
N36-11 HUNTERS POIN		$443,350	$178,225	$30,600	$755,694	$148,090		$80,250	$1,636,209
N36-14 KIN LI CHEE		$242,060	$30,800	$68,479	$1,921,676	$156,687	$11,350	$1,036,147	$3,454,039
N36-18 PINE SPRING		$201,610	$10,000	$57,800	$208,327	$48,000		$337,897	$781,134
N36-19 SEBA DALKAI		$688,600	$363,788	$78,056	$1,190,827	$356,865	$3,000	$10,749,711	$13,304,822
N36-22 TOHATCHI SPC		$493,182	$66,200	$80,397	$1,194,896	$294,882	$7,000	$188,682	$2,303,207
N36-24 WIDE RUINS		$1,021,680	$278,560	$29,600	$926,477	$186,499		$659,000	$3,101,766
N36-25 WINSLOW DORM		$222,804		$1,000	$188,521	$33,892		$40,396	$486,613
N36-27 TOYEI					$8,758				$8,758
N36-29 WINDOW ROCK			$39,380		$666,401	$180,667	$12,362	$12,550	$911,360
N36-31 FORESTRY AND		$13,000			$11,552		$18,500	$489,600	$532,652
N36-33 WASHINGTON P							$73,000		$73,000
N36-34 PINEY HILL					$60,000		$8,000		$68,000
N36-36 NA-AH-TEE CH							$77,400		$77,400
N36-39 SAWMILL							$31,700		$31,700

NAVAJO UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT) << LBS10AR2>> PAGE 7

AS OF 01/04/1999 BY CATEGORY AND LOCATION DATE RUN 01/04/99

(EXCLUDING QUARTERS TYPES AP, GQ, MP, QT AND TR)

LOCATION DESCRIPTION	AREA PRI	S-1,2/M-1 SAFETY/ EMERGENCY	E-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	E-2,3 ENERGY	P-3 PROGRAMMATIC	C-1,2,3 CONSTRUCTN	TOTAL
N34-40 ROBERTO RANC							$31,235		$31,235
N34 FORT DEFIANCE	XXXXX	$11,151,686	$5,892,875	$813,948	$22,235,208	$4,163,943	$1,377,983	$17,093,237	$63,288,330
N48-01 NIIP HEADQUA		$182,120							$182,120
N48 NAVAJO INDIAN I	XXXXX	$182,120							$182,120
N NAVAJO	XXXXX	$92,386,282	$19,472,980	$10,180,120	$132,186,077	$32,663,681	$18,834,478	$99,163,579	$386,085,836

PORTLAND UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT) << LMS20AR2>> PAGE 1

AS OF 01/04/1999 BY CATEGORY AND LOCATION DATE RUN 01/04/99

(EXCLUDING QUARTERS TYPES AP, GQ, MF, QT AND TR)

LOCATION DESCRIPTION	AREA PRI	S-1,2/U-1 SAFETY/ EMERGENCY	E-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	E-2,3 ENERGY	P-3 PROGRAMMATIC	C-1,2,3 CONSTRUCTN	TOTAL
P02-02 CHEMAWA INDI		$2,464,135	$220,000	$3,500	$1,551,531	$783,400	$19,500	$87,715	$5,129,781
P02 PORTLAND AREA	XXXXX	$2,464,135	$220,000	$3,500	$1,551,531	$783,400	$19,500	$87,715	$5,129,781
P03-01 NESPELEM ESA					$2,463,368		$2,008,335		$4,471,703
P03-02 PASCAL SHERM		$77,300	$20,000	$80,740	$2,003,085	$16,000	$800	$5,796,805	$7,992,730
P03-03 INCHELIUM SU									
P03-04 MITCHELL POI					$13,484				$13,484
P03-15 KELLAM					$543				$543
P03 COLVILLE AGENCY	XXXXX	$77,300	$20,000	$80,740	$4,480,450	$16,000	$2,009,135	$5,796,805	$12,478,630
P04-01 FORT HALL HD			$100,000		$164,254		$7,499	$15,438	$287,191
P04-02 SHO-BAN SCHD				$33,035	$110,185	$24,249	$2,855	$110,470	$280,794
P04 PORTLAND AREA	XXXXX		$100,000	$33,035	$274,439	$24,249	$10,354	$125,908	$567,985
P05-01 LAPWAI HDQTR					$658,892			$5,000	$663,892
P05-02 COEUR D'ALEN		$35,265		$6,300	$168,698			$170,800	$380,763
P05-09 NEZ PERCE					$5,877		$3,094		$8,971
P05 NORTHERN IDAHO	XXXXX	$35,265		$6,300	$833,467		$3,094	$175,800	$1,053,626

PORTLAND UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT) << LEGIS/ARI>> PAGE 3

AS OF 01/04/1999 BY CATEGORY AND LOCATION DATE RUN 01/04/99

(EXCLUDING QUARTERS TYPES AP, GQ, MP, QT AND TR)

LOCATION DESCRIPTION	AREA PRI	S-1,2/U-1 SAFETY/ EMERGENCY	E-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	E-2,3 ENERGY	P-3 PROGRAMMATIC	C-1,2,3 CONSTRUCTN	TOTAL
P06-01 HOQUIAM HDQT			$37,500						$37,500
P06-22 NEAH BAY					$134,103				$134,103
P06-44 COOK CREEK					$61,942				$61,942
P06 OLYMPIC PENINSU	XXXXX		$37,500		$196,045				$233,545
P07-01 UMATILLA HDQ					$32,300				$32,300
P07 UMATILLA AGENCY	XXXXX				$32,300				$32,300
P09-01 WARM SPRINGS					$1,880,000			$104,000	$1,984,000
P09-08 CELILO FISH			$45,000		$120,000			$13,000	$178,000
P09-15 LONE PINE					$17,600				$17,600
P09 WARM SPRINGS AG	XXXXX		$45,000		$2,017,600			$117,000	$2,179,600
P10-02 QUILEUTE TRI		$866,961		$74,000	$484,420	$13,150	$60,700	$700,710	$2,170,881
P10-12 MUCKLESHOOT		$3,450			$370,000			$437,000	$810,450
P10-13 WAH-HE-LUTE		$36,000		$136,320	$153,411	$20,000	$380,377	$462,000	$1,425,038
P10-14 LUMMI TRIBAL		$8,963		$7,375	$435,000			$77,900	$529,346
P10-15 CHIEF LESCHI		$36,000		$30,000	$557,086	$64,200	$61,711	$14,310,200	$14,969,197
P10-17 LUMMI HIGH S									

PORTLAND UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT) << LBCIOAR3>> PAGE 3

AS OF 01/04/1999 BY CATEGORY AND LOCATION DATE RUN 01/04/99

(EXCLUDING QUARTERS TYPES AP, GQ, MP, QT AND TR)

LOCATION DESCRIPTION	AREA PRI	S-1,2/M-1 SAFETY/ EMERGENCY	E-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	E-2,3 ENERGY	P-3 PROGRAMATIC	C-1,2,3 CONSTRUCTN	TOTAL
P10 PORTLAND AREA	XXXXX	$952,114		$226,678	$1,969,957	$106,180	$510,788	$16,129,768	$19,895,485
P11-01 TOPPENISH HD			$25,000		$260,707				$285,707
P11-02 WHITE SWAN			$8,000		$103,000			$88,500	$199,500
P11-04 SIGNAL PEAK			$2,699		$128,084	$10,484	$26,575	$914	$168,756
P11-06 SATUS PEAK			$20,000		$3,600				$23,600
P11-07 SOPELIA					$3,100				$3,100
P11-11 GLENWOOD					$36,249				$36,249
P11-18 ALT. LITTLE					$1,400		$8,120		$9,520
P11-20 YAKIMA TRIBA		$324,000		$3,800	$565,350			$41,455	$934,605
P11 PORTLAND AREA	XXXXX	$324,000	$55,699	$3,800	$1,101,490	$10,484	$34,695	$130,869	$1,661,037
P12-01 SPOKANE HDQT			$32,000		$368,200		$80,573	$60,598	$541,371
P12-04 KALISPEL					$29,850				$29,850
P12 SPOKANE AGENCY	XXXXX		$32,000		$398,050		$80,573	$60,598	$571,221
P13-01 HOT SPRINGS.		$183,110		$20,000				$1,650	$204,760
P13-02 TWO EAGLE RI		$4,480		$5,000				$477,471	$486,951
P13 FLATHEAD AGENCY	XXXXX	$187,590		$25,000				$479,121	$691,711

PORTLAND UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT) << LBG30AA2>> PAGE 6

AS OF 01/04/1999 BY CATEGORY AND LOCATION DATE RUN 01/04/99

(EXCLUDING QUARTERS TYPES AP, OQ, MF, QT AND TR)

LOCATION DESCRIPTION	AREA PRI	S-1,2/M-1 SAFETY/ EMERGENCY	E-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	E-2,3 ENERGY	P-3 PROGRAMMATIC	C-1,2,3 CONSTRUCTN	TOTAL
P15-01 METLAKATLA					$82,883				$82,883
P15 METLAKATLA FLD	XXXXX				$82,883				$82,883
P53-04							$19,197		$19,197
P53-05							$12,486		$12,486
P53 PORTLAND AREA	XXXXX						$31,683		$31,683
P PORTLAND	XXXXX	$6,211,176	$510,199	$409,650	$12,817,692	$938,483	$2,708,792	$23,103,316	$46,699,704

EASTERN AREA   UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT)   << [illegible] >>   PAGE 1

AS OF 01/04/1999   BY CATEGORY AND LOCATION   DATE RUN 01/04/99

(EXCLUDING QUARTERS TYPES AP, GQ, MP, QT AND TR)

LOCATION DESCRIPTION	AREA PRI	S-1,2/U-1 SAFETY/ EMERGENCY	E-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	E-2,3 ENERGY	P-3 PROGRAMMATIC	C-1,2,3 CONSTRUCTN	TOTAL
850-02 DIRECTORS OF					$1				$1
850-28 CHITIMACHA D		$43,308			$214,500			$493,670	$751,478
850 EASTERN AREA	XXXXX	$43,308			$214,501			$493,670	$751,479
852-01 CHEROKEE HDQ					$20,000				$20,000
852-02 CHEROKEE ELE		$288,950	$7,900		$341,500	$294,000		$3,384,500	$4,316,850
852-03 CHEROKEE CEN		$81,200	$25,000		$1,324,500			$100,000	$1,530,700
852 CHEROKEE AGENCY	XXXXX	$370,150	$32,900		$1,686,000	$294,000		$3,484,500	$5,867,550
853-02 AHFACHKEE D					$4,700			$1,000,000	$1,004,700
853-04 BIG CYPRESS				$9,300				$19,000	$28,300
853 SEMINOLE AGENCY	XXXXX			$9,300	$4,700			$1,019,000	$1,033,000
854-01 MICCOSUKEE B					$712,250				$712,250
854-02 MICCOSUKEE I		$43,527		$107,100	$1,419,128	$92,977		$308,527	$1,971,259
854 EASTERN AREA	XXXXX	$43,527		$107,100	$2,131,378	$92,977		$308,527	$2,683,509
855-02 INDIAN TOWNS		$23,530			$344,000			$44,000	$411,530
855 EASTERN AREA	XXXXX	$23,530			$344,000			$44,000	$411,530

EASTERN UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT) << LRE30AR2>> PAGE 3

AS OF 01/04/1990 BY CATEGORY AND LOCATION DATE RUN 01/04/90

(EXCLUDING QUARTERS TYPES AD, GQ, MP, QT AND TR)

LOCATION DESCRIPTION	AREA FAC	S-1,2/U-1 SAFETY/ EMERGENCY	E-1,2 ENVIRONMENT	H-1,2,3 HANDICAP	M-1,2,3 PHYSICAL PLANT	E-2,3 ENERGY	P-3 PROGRAMMATIC	C-1,2,3 CONSTRUCTN	TOTAL
836-02 BEATRICE RAP		$8,000		$3,600	$330,000			$130,000	$470,600
836 EASTERN AREA	XXXXX	$8,000		$3,600	$320,000			$150,000	$478,600
857-02 INDIAN ISLAN		$13,650		$2,000	$387,500			$45,000	$448,150
857 EASTERN AREA	XXXXX	$13,650		$2,000	$387,500			$45,000	$448,150
876-01 CHOCTAW SCHO		$39,000			$444,450			$1,200,000	$1,683,450
876-13 RED WATER SC					$28,600			$13,550	$42,150
876-14 STANDING PIN									
876-15 TUCKER SCHO		$100							$100
876-21 BOGUE CHITTO		$30,285			$343,879	$17,607	$400,000	$92,000	$883,771
876-22 CONEHATTA EL		$463,500		$76,300	$140,601	$38,000		$3,530,000	$4,261,101
876-23 CHOCTAW CENT		$30,000		$150	$340,403	$53,000	$303,000	$71,700	$898,653
876 CHOCTAW AGENCY	XXXXX	$581,685		$76,450	$1,302,033	$108,607	$703,000	$4,949,850	$7,590,624
* EASTERN	XXXXX	$1,081,867	$32,996	$188,380	$6,390,111	$488,384	$703,000	$10,236,547	$19,104,335

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***** BUREAU *****          UNFUNDED BACKLOG ITEMS FOR EDUCATION (EXCLUDING REPLACEMENT)          << LBU30AR2>>       PAGE      1

AS OF 01/04/1999                              BY CATEGORY AND LOCATION                                      DATE RUN 01/04/99

                       (EXCLUDING QUARTERS TYPES AP, GQ, MP, QT AND TR)
                  ========================================================================================================
                  :     : S-1,2/U-1  :   E-1,2     :  H-1,2,3    :  M-1,2,3    :   E-2,3     :    P-3      :  C-1,2,3    :             :
LOCATION          :AREA :  SAFETY/   : ENVIRONMENT:  HANDICAP   :  PHYSICAL   :   ENERGY    : PROGRAMMATIC: CONSTRUCTS  :       TOTAL :
 DESCRIPTION      : PRI :  EMERGENCY :             :             :   PLANT     :             :             :             :             :
                  ======:============:=============:=============:=============:=============:=============:=============:=============:
                  :     :            :             :             :             :             :             :             :             :
                  :     :            :             :             :             :             :             :             :             :
*BUREAU SUMMARY*  :*****:$147,992,937: $37,262,733: $23,236,436:$221,236,261: $30,337,706: $39,463,372:$263,091,370: $762,640,817:
                  :     :            :             :             :             :             :             :             :             :
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